

**1998**

# ***Illinois Register***

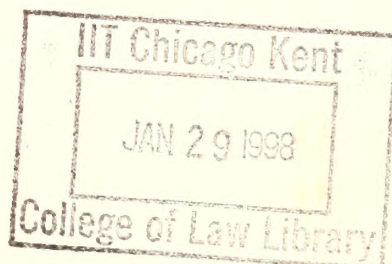
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**Rules of Governmental Agencies**

Volume 22, Issue 04—January 23, 1998

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Payment of Eligible Claims of Soil and Water Conservation District Employees Unpaid By Mid-Continent Medical Benefit Trust

- 2) Code Citation: 8 Ill. Adm. Code 755

- 3) Section Numbers: Proposed Action:  
 755.10 New Section  
 755.20 New Section  
 755.30 New Section  
 755.40 New Section  
 755.50 New Section  
 755.60 New Section  
 755.EXHIBIT A New Section

- 4) Statutory Authority: Section 6(11) of the Soil and Water Conservation Districts Act [70 ILCS 405] (see P.A. 90-565, effective January 2, 1998).

- 5) A Complete Description of the Subjects and Issues Involved: Effective January 2, 1998, P.A. 90-565 amended the Soil and Water Conservation Districts Act by adding Section 6(11). Section 6(11) authorizes the Department to pay eligible outstanding health care costs of Soil and Water Conservation District employees incurred between January 1, 1996 and December 31, 1996 that have not been paid by the District's insurance carrier, Mid-Continent Medical Benefit Trust. Claims must be filed with the Department on or before January 30, 1998 to be considered for payment. Appropriate documentation is required by the Department to determine eligible claims.

- 6) Will this proposed rule replace an emergency rule currently in effect?  
 No

- 7) Does this rulemaking contain an automatic repeal date? No, however, P.A. 90-565 contains an automatic repeal date of September 1, 1998.

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day this notice of rulemaking appears in the *Illinois Register*. Written comments should be sent to the attention of:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED RULES

Debbie Wakefield  
 Department of Agriculture  
 State Fairgrounds  
 P.O. Box 19281  
 Springfield, IL 62794-9281  
 217/785-5713  
 Facsimile: 217/785-4505

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects employees of Soil and Water Conservation Districts that had outstanding health care costs incurred between January 1, 1996 and December 31, 1996 not paid by Mid-Continent Medical Benefit Trust.

- B) Reporting, bookkeeping or other procedures required for compliance: Affected Soil and Water Conservation District employees must submit claims along with appropriate documentation to be considered for payment.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: 70 ILCS 405 was just amended by P.A. 90-565 on January 2, 1998 authorizing this rulemaking.

The full text of the Proposed Rules is identical to the text of the emergency rules appearing in this *Register* on page 2089.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Promotion Act Programs

2) Code Citation: 14 Ill. Adm. Code 510

Section Numbers	Proposed Action:
510.10	Amend
510.20	Amend
510.50	Amend
510.60	Amend
510.70	Amend
510.80	Amend
510.85	Amend
510.110	Amend
510.120	Amend
510.130	Amend
510.160	Amend
510.170	Amend

4) Statutory Authority: Implementing Section 665 of the Illinois Promotion Act [20 ILCS 665].

5) A Complete Description of the Subjects and Issues Involved:

Subpart A: This rulemaking revises the Tourism Matching Grant Program rules changing the program name to better reflect the program intent to foster promotional partnerships; updates program rules to bring them more in line with current industry trends and Statewide tourism marketing efforts that encourage increased travel into and throughout the State, impacting economic growth and creating increased overnight stays.

Subpart B: This rulemaking revises the Tourism Attraction Development Grant and Loan Program rules to better reflect the program intent to develop new tourism attractions and enhance existing attractions with the capacity to generate sustainable economic growth through increased travel activity; expands eligible project activities; and establishes grant application deadlines.

Subpart C: This rulemaking revises the Tourism Private Sector Grant Program rules to clarify and update language, citations and establish an ongoing application cycle.

6) Will these proposed amendments replace an emergency rule currently in effect? NO

7) Do these amendments contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on these proposed amendment: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the *Illinois Register* to the following:

Ms. Sue Fierce, Grants Manager  
Illinois Bureau of Tourism  
Department of Commerce and Community Affairs  
620 East Adams Street  
Springfield, IL 62701  
217/785-6355

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected:

Subpart A: Local not-for-profit tourism promotion groups, counties and municipalities.

Subpart B: Local not-for-profit tourism promotion groups, counties and municipalities and local for-profit tourism businesses and developers.

Subpart C: Local promotion groups, for-profit entities, counties and municipalities.

B) Reporting, bookkeeping or other procedures required for compliance:

Subpart A: The proposed amendments do not affect the existing reporting, bookkeeping and other procedures necessary for compliance.

Subpart B: The proposed amendments do not affect the existing reporting, bookkeeping and other procedures necessary for compliance.

Subpart C: Applicants would already possess the necessary skills for compliance.

C) Types of professional skills necessary for compliance:



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

Section A: Applicants would already possess the necessary skills for compliance.

Section B: Applicants would already possess the necessary skills for compliance.

Subpart C: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was not anticipated by the Department at the time of the 2 most recent agendas.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 510

ILLINOIS PROMOTION ACT PROGRAMS

SUBPART A: TOURISM MARKETING PARTNERSHIP MATCHING-GRANT PROGRAM

Section	
510.10	Authority
510.20	Definitions
510.30	Computation of Time
510.40	Allocation of Appropriations to Applicants
510.50	Form of Application
510.60	Application Procedures
510.70	Department Review Procedures
510.80	Agreement
510.85	Administrative Requirements
510.90	Provision for Amendment to This Part
510.100	Severability

4

SUBPART B: TOURISM ATTRACTION DEVELOPMENT LOAN AND GRANT PROGRAM

Section	
510.110	Purpose
510.120	Definitions
510.130	Eligible Uses of Loan and Grant Funds
510.140	Eligible Applicants
510.150	Funding Limitation
510.160	Application Cycle
510.170	Application Documentation
510.175	Evaluation Process
510.180	Selection for Funding
510.185	Leverage
510.190	Allocation of Appropriations
510.195	Administrative Requirements for Loans
510.200	Administrative Requirements for Grants
510.205	Administrative Requirements for Loans and Grants

SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section	
510.210	Purpose
510.220	Definitions
510.230	Eligible Uses of Grant Funds
510.240	Eligible Applicants
510.250	Funding Limitation

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

510.260 Application Cycle  
 510.270 Application Documentation  
 510.275 Evaluation Process  
 510.280 Selection for Funding  
 510.285 Matching Funds  
 510.290 Administrative Requirements for Grants

**AUTHORITY:** Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

**SOURCE:** Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. 5064, effective March 11, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: TOURISM MARKETING PARTNERSHIP **MATCHING-GRANT PROGRAM****Section 510.10 Authority**

The Illinois Department of Commerce and Community Affairs, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act [20 ILCS 665] (~~Ill. Rev. Stat.~~ ~~1989~~ ~~ch. 127~~ ~~para. 200-21-et-seq.~~ ~~7~~).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 510.20 Definitions**

"Act": means the Illinois Promotion Act.

"Agreement": means a signed and written document defining the rights and obligations of the Applicant and the Department in respect to the Project and the Grant Amount.

"Applicant": means a County, Municipality or Local Promotion Group which is located within the State of Illinois.

"Application": means that written document submitted by the Applicant on the approved form of the Department. The dated application shall include the following information:

Name of applicant organization.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

Name, title, address, and telephone number of authorized official.

County and legislative district where attraction/event will take place.

Federal Employment Identification Number (F.E.I.N.) or social security number of authorized official.

Project title.

Anticipated initiation and completion date (project may not be initiated prior to approval by the Bureau of Tourism to remain eligible for matching grant funding).

Estimated total cost of project (based on bids and itemized budget).

Percentage and amount of tourism matching grant request.

A description of the project (A detailed description of the work to be performed and the need for the project. Information should include a description of the event, attraction or area being promoted, and quantity of project (e.g., number of brochures to be printed)).

A description of how and where printed material will be distributed or the geographic location of the audience for projects containing advertising (e.g., radio, television, newspaper).

A description of the economic impact expected as a result of this project and how the program will aid in the promotion of tourism in Illinois.

A description of anticipated project results and a description of the evaluation methods to be used in determining the results. Emphasis should be placed on quantifiable measures as the applicant may be asked to verify results.

A list of the source(s) and amount of funding for the applicant's project.

An itemized budget for each cost which identifies the vendor and provides a brief description of the services being provided.

"Application Documentation": includes



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

samples of the proposed Project which shall include, but are not limited to, mock-up and copy or duplicates of mock-up with color indicated;

copies of a minimum of two competitive bids, using identical specifications, for all total costs by any vendor that exceeds \$500 and identification of the low bid listed on the itemized budget;

an agreement by the Applicant to comply with Section 10.1 of the Illinois Purchasing Act (445 ILCS 10.1) [30 ILCS 505/10.1];

a certification by the Applicant that it has not been barred from bidding on or receiving State contracts as a result of illegal bid rigging as defined in Section 33E-3 of the Criminal Code of 1961 (445 ILCS 33E-3) [30 ILCS 33E-3]; and

a current copy of the applicant organization's State of Illinois Not-For-Profit Certificate of Good Standing.

"Bureau of Tourism": is that division of the Department which has the delegated authority to perform all administrative functions relating to the Act.

"Department": means the Department of Commerce and Community Affairs of the State of Illinois.

"Eligible Promotional Projects": include but are not limited to:

Brochures - Brochures must be devoted to the promotion of tourism attractions and/or events. Brochures to be utilized by tourists must be printed in quantities of at least 20,000, printed in a minimum of two-color, printed on a minimum of 60# bond paper stock, and cannot exceed a finished size of 8 1/2 inches x 11 inches. All brochure final copy must be reviewed and approved by the Matching-Grant Program Manager staff prior to being printed. Final proofs must be submitted to the Department at least five two working days prior to printing to allow for changes, if necessary. Applicants bear sole responsibility for accuracy of information printed. The date and quantity printed must appear on the printed material or a 5% penalty will be assessed. All printed projects that are funded under the Program must be available on a gratis basis free of charge to the public and shall not be sold.

Advertising - Advertising must be directed toward areas other

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

than the immediate location of the attraction, event, or area being promoted. Matching grant funds cannot be used to pay for advertising placed within a 100 75 mile radius of the attraction, event, or area being promoted. Advertising will be considered eligible if placed with media outside the 100 75 mile radius, even if a portion of the advertising falls inside the radius. Advertising placed in a major market (e.g., Chicago, St. Louis) will also be considered for funding if it is placed inside the 100 75 mile radius and the media source's Sunday edition run of press entire-service-area or zones outside a 35 mile radius are purchased and the placement does not exceed 50% of the grant advertising budget. A typed manuscript or one audio/video cassette tape copy of each advertisement must be submitted with the application. The ad must be persuasive with general information and should include an address or phone number to contact for lodging and other tourism information.

Billboards - Rental of billboard space, as well as the artwork, design, and production of billboard advertising, is an eligible expenditure. Billboards must promote attractions, events, availability of lodging, camping or other travel related services. Billboard advertising cannot mention specific privately owned businesses or attractions. The 100 75 mile radius guideline governing other advertising does not apply to billboard location but placement for promotion of events must be a minimum of 30 miles from the location of the event, placement for promoting attractions must be a minimum of 15 miles from the area being promoted and traffic count and visibility will also be a major consideration.

Other Types of Promotional Projects - Website development (development only, no maintenance fees), marketing research, travel/trade show booth space rental and expenses (i.e., electric, furniture rental, cleaning, etc.), and travel/trade show registration fees for both domestic and international marketing.

Promotional Participants - Applicants that charge "for profit" participants for inclusion in promotional projects must also include the promotion of a minimum of 3 non-profit attractions/events. Charges for participation from any source cannot exceed the match requirement or it will lower the Department's grant award.

"Grant Amount": means an amount, which shall not exceed 60% (sixty percent) of the Total Project Cost, that the Department shall pay to an Applicant after:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

review of the Application:

the Department has determined that the Project and proposed expenditures of the Applicant appear to be in accord with the purpose of the Act and comply with this Part; and

the Department has received sufficient evidence of Project completion.

"Ineligible Promotional Projects": In general, a project is considered ineligible if it does not contribute to the overall intent of bringing additional tourists into the State and generate increased lodging revenue. Examples of projects ineligible for funding include, but are not limited to:

Association or organizational dues.

Bumper stickers, placemats, or any type of specialty items.

Any type of quick-print materials.

Any administrative expenses (e.g., stationery, envelopes, phone, rent, newsletters, supplies, personnel or equipment).

Purchase or rental of projectors, television sets, or video recorders.

Projects solely promoting for-profit entities.

Postage, purchase or use of mailing lists, distribution and shipping costs.

Street banners.

Event production expenses (e.g., audio equipment, awards, entertainment, fireworks, portable restrooms, hired labor, refreshments, etc.).

Travel expenses (transportation, lodging, per diem).

Travel/trade-show-booth-space-rental-and/or-registration-fees-

Promotion of county fairs.

"Local Promotion Group": means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county or

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

region of Illinois (Section 3(b) of the Act).

"Local Share": means that portion of Total Project cost which:

in no case shall be less than 40% (forty-percent) of the Total Project Cost;

is provided by the Applicant and is not State or federal funds; and

is irrevocably obligated to the Project.

"Municipality": means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code (111 Rev-Stat-1997-ch-247-par-1-1-2(1)) [65 ILCS 5/1-1-2(1)].

"Project": means the program of Promotional Activities which is described by the Applicant in the Application and is approved by the Department. Acceptable components of a Project may include, but are not limited to, the examples of valid projects contained on the Application form.

"Regional-Tourism-Councils": are volunteer organizations within the State-geographic-areas-(southern-northern-western-central)-which work-in-cooperation-with-the-Department-to-promote-tourism-in Illinois.

"Total Project Cost": means all necessary and reasonable costs related to the completion of the Project, but does not include administrative costs incurred by the Applicant, examples of which are stationery, postage, telephone, office equipment and services of professional fund raisers. The total project cost must equal or exceed \$3,000 \$17500 to be considered for a grant award. Projects are reviewed, evaluated, and funded according to the percentages of total project cost based on the quality of the project and its duration. Up to 40% forty-percent of the total project cost may be funded for approved festival events (festival events have a duration of 1-29 days). Up to 45% Forty-to-fifty-percent of the total project cost may be funded for approved seasonal events (seasonal events have a duration of 1-6 months). Up Forty to 60% sixty-percent of the total project cost may be funded for approved year-round promotions (year-round promotions have a duration of 7-12 months).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

- a) All communications relating to Application procedures herein defined shall be sent to the Program ~~Matching-Grant~~ Manager of the Bureau of Tourism of the Illinois Department of Commerce and Community Affairs, 620 East Adams Street, Springfield, Illinois 62701.
- b) Only one application per applicant ~~except-for-Regional-Tourism Councils~~ can be submitted for each award period for each category of funding (i.e., festival event, seasonal event, year-round promotion). Multiple projects can be combined into one request.
- c) An Application shall be in writing and on the current approved form provided by the Department which form shall be sent to an interested party upon request.
- d) An Application shall be submitted as one ~~for~~ original and two ~~for~~ copies.
- e) Each Application including supporting documents and attachments shall be contained under a single cover.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.60 Application Procedures

- a) An Application must be received by the Department during the period of time between September ~~June~~ 1 through May ~~March~~ 1 of each State fiscal year. Grant awards will be made three ~~four~~ times annually. Applications shall be received a minimum of ~~sixty~~ 60 days prior to award dates of July ~~August~~ 1, November 1, and April ~~February~~ 1, ~~and May-1~~. Any application received after an application deadline which is for marketing opportunities supported or promoted by the Department that have a deadline prior to the next scheduled award date will be processed upon receipt.
- b) Except as provided in subsection (a) above, an Application will be considered received when delivered to the Bureau of Tourism.
- c) The Program ~~Matching-Grant~~ Manager of the Bureau of Tourism shall issue a receipt to the Applicant acknowledging delivery of the Application including date the Application was received.
- d) Review of Applications

- 1) Within ~~fourteen~~ 14 days after of receipt of the Application, the Program ~~Matching-Grant~~ Manager of the Bureau of Tourism shall notify the Applicant that after an initial review, the Application and attached exhibits are complete on their face. This notice is not in any way an acknowledgement by the Program ~~Matching-Grant~~ Manager as to the adequacy of the substance of the Application.

- 2) In the event the Program ~~Matching-Grant~~ Manager of the Bureau of Tourism determines that the Application and its attached exhibits are not complete on their face, the Applicant shall be notified of such fact along with a list of such deficiencies within ~~fourteen~~ 14 days after of the receipt of the Application.

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- 3) Should the Program ~~Matching-Grant~~ Manager of the Bureau of Tourism send a notice of deficiency as required in subsection (d)(2) above, the Applicant shall have ~~fourteen~~ 14 days from the date of such notice to cure such deficiency. If
- A) the Applicant fails to supply additional material to cure the deficiency; or
- B) submits additional material which in the opinion of the Program ~~Matching-Grant~~ Manager does not cure the deficiency, the Application shall be considered null and void and returned to the Applicant.
- e) Within ~~sixty~~ 60 days from the date of notification issued pursuant to subsection (d)(1) or (d)(2), the Director of the Department shall either:
- 1) notify the Applicant that its Application has been approved; or
- 2) notify the Applicant that its Application has been rejected, stating the reason(s) for this rejection.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.70 Department Review Procedures

- a) The Application shall be reviewed by the Bureau of Tourism staff and the Department's Director for approval or rejection.

- b) The following evaluation criteria ~~questions-and-factors~~ shall be considered by the Department in its determination whether to accept or reject an Application:

~~Marketing~~

- 1) ~~A) Is~~ Does the Project part of a comprehensive marketing plan based upon research to increase tourism to the area? support-and augment-the-marketing-efforts-of--the--Bureau?--More-favorable consideration-will-be-given-to-applications-which-are-cooperative advertising-projects-made-available-by-the-Bureau-of-Tourism.

- 2) ~~B) Does~~ the Project include overnight lodging packages in order to increase overnight stays? Will--the--Project--encourage--visitors from-a-distance-of-at-least-75-miles-or-out-of-state?--The-intent of--the-program--is--to-encourage-travel-into-and-throughout-the State-impacting-the-economic-growth--and--primary--consideration will--be--given--to-projects-creating-the-potential-for-overnight stays?

- 3) ~~E) Will~~ the Project attract tourists from a distance of at least 100 miles from other states and/or other areas of the State? generate-overnight-stays, increasing-hotel/motel-and/or--bed--and-breakfast--occupancy?----Consideration--will--also--be--given--to projects-incorporating-lodging-packages.

- 4) ~~Do~~ Does the Project include financial participation from private partnerships? What--is--the--intended--audience?----Audiences--may include--consumers--inside-or-outside-the-State--spectator-interest

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- ~~groups-travel-agents-and-tour-brokers,-etc.~~
- 5) ~~Are there measurable ways to evaluate the Project's effectiveness and return on investment? Will the Project add in the promotion of tourism in Illinois?~~
- 6) ~~Has applicant complied with all Program Guidelines and Close-Out Procedures on past grant awards?~~
- 7) ~~Does the Project duplicate anything already available in the target market area?~~
- 2) ~~Economic impact~~
- A) ~~What is the potential economic impact from implementation of this Project?~~
- B) ~~Are these measurable ways to gauge effectiveness in terms of increased visitor spending in the area, increased employment, increased sales, increased gasoline, hotel, motel and/or retail occupation, tax revenues, plans for a follow-up evaluation and ongoing research will enhance the Project Application?~~
- 3) ~~Application~~
- ~~The Project should not duplicate anything already available in the target market area.~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.80 Agreement

- a) When the Department sends notice to the Applicant that the Project has been approved for funding, an Agreement shall be executed by the Director of the Department or the Director's designee on behalf of the Department. The project must not be initiated prior to approval by the Department to remain eligible for funding.
- b) The Agreement shall contain substantive provisions including but not limited to the following:
- 1) a recitation of legal authority pursuant to which the Agreement is made;
  - 2) an identification of the Project scope, schedule, and the work or services to be performed or conducted by the Applicant;
  - 3) an identification of the Grant Amount;
  - 4) the conditions and manner by which the Department shall pay the Grant Amount subject at all times to annual appropriation by the General Assembly;
  - 5) the irrevocable promise of the Applicant to pay the Local Share of the Total Project cost;
  - 6) the promise of the Applicant to display the current Illinois Tourism identification on all Projects funded through the grant program. Failure to include the current Matching Grant logo in its entirety will result in a 10% penalty, which will be deducted from the grant award. Failure to include any identification will

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- result in a total cost disallowance for that portion of the grant project;
- 7) the promise of the Applicant to furnish the Department a minimum of 10%, up to 20% if requested, of the total promotional material printed. The entire quantity of requested brochures must be received in the Tourist Information Centers listed on the brochure distribution form ~~Bureau-of-Tourism's--Springfield warehouse~~ prior to reimbursement of the grant award. Brochures promoting special events must be received in the Tourist Information Centers ~~warehouse~~ a minimum of 60 days prior to the event;
- 8) a promise by the Applicant not to assign or transfer any of the rights, duties or obligations of the Applicant without the express written consent of the Department;
- 9) a promise by the Applicant not to amend the Agreement without the written consent of the Department. Failure to do so will result in a cost disallowance. The project must be completed by the completion date on the Notice of Grant Award unless a written request for an extension is submitted five (5) working days prior to the award completion date;
- 10) a covenant of the Applicant to apply the Grant Amount only for the purposes of the Project as stated in the Application; and
- 11) a covenant of the Applicant to refrain from entering into any written or oral agreement or understanding with any party which might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.85 Administrative Requirements

- a) Reporting
- 1) Grantees shall maintain appropriate records of actual costs incurred and shall submit to the Department detailed itemization supported by copies of vendor invoices. Cancelled checks (both front and back) shall be submitted by the grantee for project expenditure documentation within ~~forty-five--t~~ 45 days after payment of the grant as proof of payment for all applicable cost of the program.
  - 2) A program status report must be submitted to the Department by May 15 for all projects which have not been completed. Failure to report the withdrawal of approved grant funds by May 15, if funds will not be utilized, may affect the grantee's application for grant funds in a future year. Billing for the total costs of projects must be submitted to the Department within ~~forty-five--t~~ 45 days after of project completion and no later than August 7 to facilitate payment.



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- 3) Upon request, grantees must submit financial reports on the progress of the project.

## b) Accountability

- 1) The grantee is accountable for all funds received under this grant and shall maintain complete records of expenditures made on the grant project. The grantee will, as often as deemed necessary, allow the Department or the Auditor General of the State of Illinois or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant for three years from the date of submission of the final expenditure report.

- 2) If any services specified in the approved marketing plan are subcontracted, the grantee shall include in all its subcontracts under a program grant a provision that the Department, and the Auditor General of the State of Illinois, or any of their duly authorized representatives, will have full access to and the right to examine any pertinent books, documents, papers and records of any such contractor involving transactions related to the contract for three years from the final payment under the contract.

- c) Contracting - The following contracting requirements shall be observed by the grantee:

- 1) For local government grantees, no officer or employee of the grantee and no member of its governing body and no other public official of the locality in which the program objectives will be carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such objectives shall participate in any decision relating to any contract negotiated under a program grant which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested, or has any financial interest, direct or indirect, in such contract or in the work to be performed under such contract.
- 2) For non-governmental grantees, such a financial interest is permissible provided full disclosure of said interest is made to the Department in advance of any decisions relative to the award of a contract giving rise to such interest and further provided that the officer, employee, or member of the governing body so affected shall remove him or herself from the room during any discussion, deliberation and voting in connection with the awarding of such a contract.

- d) Nondiscrimination - The grantee shall comply with all applicable State and Federal employment laws, rules and regulations, and shall comply with all laws and regulations prohibiting discrimination on the basis of race, sex, religion, national origin, age, or handicap.

- e) Suspension or Cancellation of Grant - The Department shall suspend or cancel a grant if the grantee fails to comply with the terms and

conditions of the grant. The Department will give ten (10) days notice to the grantee of any contemplated suspension or termination of a grant.

- f) Complaint Process - In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: TOURISM ATTRACTION DEVELOPMENT LOAN AND GRANT PROGRAM

## Section 510.110 Purpose

Section 8a of the Illinois Promotion Act (Act) [20 ILCS 665] (~~1989-Chr--127,--par--289-28a~~) authorizes the Department of Commerce and Community Affairs to make grants to counties, municipalities or local promotion groups and loans to for-profit businesses for the development or improvement of tourism attractions in Illinois and to encourage the initiation and implementation of new tourism attractions, and the enhancement of existing attractions, having the capacity to generate sustainable economic growth through increased travel activity.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.120 Definitions

"Application" means a request for program funds including the required forms and attachments.

"Department" means the Department of Commerce and Community Affairs.

"Local Promotion Group" means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois (Section 3(b) of the Act).

"Municipality" means "municipality" as defined in Section 1-1-2(1) 1-1-2 of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)] (~~1989-Chr--247,--par--1-1-2(1)~~).

"Program" means the Tourism Attraction Development Loan and Grant Program.

"Project" means an activity or activities funded by the Tourism Attraction Development Loan and Grant Program.

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"Recipient" means a Local Promotion Group, county or municipality that has been awarded a grant or a for-profit business that has been awarded a loan under this Program.

"Tourism attraction" means fishing and hunting areas, historical/cultural sites, vacation regions, areas of historic or scenic interest, museums, recreation areas, interpretive programs, and facilities and other facilities or businesses which attract or serve travelers.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.130 Eligible Uses of Loan and Grant Funds

- a) Eligible Projects and Activities - The Program shall provide financial assistance to counties, municipalities, local not-for-profit organizations, local promotion groups and for-profit businesses for such activities as: Activities-assisted-by-this-program-shall-include the-following--Provision-of-assistance-to-counties,municipalities,local-promotion-groups-and-for-profit-businesses-for-such-activities as-land-acquisition,public-facilities,construction,renovation-and improvements-(such-as-water,sewer,roads-and-utility-lines),acquisition,construction,reconstruction-and-rehabilitation-of buildings,purchase-and-installation-of-machinery-and-equipment,working-capital-and-operational-expenses,feasibility-studies-and analyses,research-and-development,--and-marketing-and-management planning-for-new-tourist-attractions,--and-other-activities-necessary to-develop-or-improve-an-existing-tourist-attraction-or-develop-a-new tourist-attraction.

- 1) Capital Projects - land acquisition, construction, renovation or acquisition of buildings;
  - 2) Equipment - purchase and installation of machinery and equipment;
  - 3) Training - development and presentation of hospitality, quality service and/or other types of tourism training programs intended to provide a competitive workforce for the tourism industry of Illinois;
  - 4) Studies - feasibility, research, development, and marketing studies dedicated to developing new tourism specific attractions; and
  - 5) Interpretive Programs - creation, implementation and staffing of interpretive programs located within historic/cultural sites.
- b) Ineligible Projects and Activities - Activities ineligible for funding include, but are not limited to debt refinancing, contingency funding and normal operating expenses, routine staff, and operating and administrative expenses. The-list-of-activities-that-are-ineligible for-funding-includes--but-is-not-limited-to--debt-refinancing contingency-funding-and-normal-operating-expenses.

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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.160 Application Cycle

- a) The Department shall supply interested entities with an application package upon request. Applications-under-this-program-will-be accepted-on-an-ongoing-basis. Applications under this program must be received by August 1 for grant awards on October 1. Applications received after August 1, and prior to March 1, will be considered for the second award period on May 1, if funds are still available.
- b) Applications will be accepted at the following addresses:
- 1) Bureau of Tourism, Department of Commerce and Community Affairs, 620 East Adams, Springfield IL 62701 7-11-62704; or
  - 2) Bureau of Tourism, Department of Commerce and Community Affairs, James R. Thompson Center State-of-Illinois-Center, 100 W. Randolph, Suite 3-400, Chicago IL 60601.
- c) Applications shall be in writing and on the current approved forms provided by the Department.
- d) An application shall be submitted as one original and four copies.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.170 Application Documentation

- a) All applicants shall include documentation of the following:
- 1) Description of the Project - a summary description of the project.
  - 2) History - a brief history of the applicant, including its legal organization, i.e., articles of incorporation, if incorporated as a not-for-profit or for-profit entity or statutory authority as a governmental entity and approval of the project by the appropriate entity.
  - 3) Use of Funds - a detailed explanation of the use of the grant or loan funds.
  - 4) Results - a statement of the expected outcome and benefits to the State as a result of this project in terms of development or improvement of tourism attractions. Preference will be given to projects which demonstrate the greatest potential for increasing hotel/motel occupancy and travel into and throughout the State of Illinois stimulating the economic growth of the tourism industry.
  - 5) Project Implementation Schedule - a list of the timelines for major project milestones and/or activities including the start and end date of each activity.
  - 6) Management - listing of those individuals that are responsible for the management of the tourist attraction, their positions and responsibilities, and resumes of key senior individuals at the



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site location.

- 7) Land and Building Information (if applicable) - for land and/or building acquisition, an MAI appraisal and a copy of the purchase option or agreement; for building construction or renovation, a contractor's or architect's cost estimates.
- 8) Description of Machinery and Equipment (if applicable) - identification of major equipment or classes of equipment to be acquired with the Department's program funds; for acquisition of new machinery and equipment, attachment of reliable vendor cost estimates; for moving and installation costs, attachment of written estimates; for used machinery and equipment acquisition, an appraisal demonstrating that the fair market value is consistent with the purchase price.
- 9) Description of Working Capital (if applicable) - a description of the type of working capital needs to be financed with the Department's program funds.
- 10) Letters of Commitment - documentation of all sources of leveraging; loan commitment from financial institutions shall have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved; any commitment to purchase a revenue bond shall have an executed inducement resolution and the rates, terms, and conditions of approval by the buyers.
- 11) Site Map - an outline of the general location of the project on a site map, reflecting the location of any floodplain areas or wetlands.
- 12) Bids - a minimum of two competitive bids, using identical specifications, obtained through an open and competitive bidding process, for the purchase of goods exceeding \$5,000 and services exceeding \$25,000 must be submitted and approved.

- b) In addition to the requirements of subsection (a), for-profit businesses shall include documentation of the following:

- 1) Market Information - information on the company's products or services and identification of existing and potential major customers and competitors.
- 2) Historical Financial Statement - historical financial statements for the past three years and interim statements dated no more than 90 ninety days prior to application including:
  - A) Profit and Loss Statements;
  - B) Balance Sheets;
  - C) Cash Flow Statements; and
  - D) Disclosure of Contingent Liabilities.
- 3) Projected Financial Statements - three year projections of the Profit and Loss Statement and Balance Sheet and a one year Monthly Cash Flow Projection.
- 4) Ownership - the company will provide a detailed statement of ownership which shall include a percentage of ownership. Such statements shall clearly identify any ownership interest which

amounts to 20% or more, any ownership interest which is considered to be controlling the business, and/or any interest which is guaranteeing any financial or contractual activities of the company. For all such entities which meet any of these conditions, a personal financial statement(s) shall be provided.

- 5) The Department shall waive the requirements of subsections (b)(1) through (4) when:

- A) The company has submitted a comprehensive business plan or company annual reports;
- B) The company is publicly owned and traded; and
- C) The company's historic financial condition is deemed excellent, meeting industry standards in accordance with Section 510.175(b).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.175 Evaluation Process

The Department shall screen all applications to determine whether all requirements of the application package have been addressed and whether the applicant is eligible for funding. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such deficiencies through submission of additional documentation. This review and evaluation process shall be completed within 60 days of the receipt of a complete application. Department staff shall conduct an evaluation of each application.

- a) Evaluation Criteria - the applications will be evaluated using the following criteria. ~~Technical-Evaluation-Component~~

- 1) Project Implementation Readiness - the applicant shall demonstrate ~~show~~ that the project is ready for implementation by providing a time schedule for ~~immediate~~ project initiation; and detailed bids/cost cost estimates, which demonstrate cost feasibility of the project.
- 2) Project Impact - the applicant shall demonstrate the ~~a positive~~ project will have a sustainable economic impact to the tourism industry and local community, county and State ~~consisting-of-an expected-increase-in-tourists-to-the-area-or-ability-to-better serve-or-accommodate-tourists.~~
- 3) Economic Growth and Job Creation - the applicant/project shall demonstrate the potential for sustainable economic growth and job creation.
- 4) Eligible Match - the applicant/project shall demonstrate the ability to match proposed funding from other non-State sources.
- b) Financial Evaluation Component - the Department shall conduct a financial analysis of the loan application submitted by for-profit companies. The Department shall review the company's financial statements, including the annual balance sheets and profit and loss

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statements for the past three years, as well as the most recent ninety days, and a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of the aforementioned material. This shall be reviewed through a standard credit analysis which will determine the liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 1988 (no later amendments or editions included) "RMA Annual Statement Studies", published by Robert Morris Associates, P.O. Box 8500, S-1140, Philadelphia, PA 19178, or a comparable source. If such industry is evaluated by this source or a comparable source. This standard credit analysis will determine the financial stability of the company and need for funding.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 510.185 Leverage**

The applicant shall leverage additional financial resources **resource** for the project over and above funding provided by the Department in an amount not less than 50% of the project's actual expenditures.

- a) Allowable leverage includes:
- 1) Term loan proceeds, bond sale proceeds or other forms of financial institution participation;
  - 2) Other public grant or loan program funds;
  - 3) Use of retained earnings, proceeds of a public stock offering or other cash equity, excluding pre-project officer notes payable, off-balance sheet debt financing and goodwill; and
  - 4) Local hotel/motel tax, membership dues, or other cash contributions.
- b) Unallowable leverage:
- 1) Costs incurred or funds expended prior to date of grant or loan award;
  - 2) Funds from other Department funded programs (although they may be used to further the project);
  - 3) Existing equipment, buildings, furnishings, or inventory, already owned;
  - 4) Lines of credit;
  - 5) Contracts for deed without a due and payable clause or which is an apparent substitution for simple rent;
  - 6) Post project costs such as normal operational expenses;
  - 7) Debt refinancing; and
  - 8) In-kind contributions.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 510.190 Allocation of Appropriations**

- a) ~~Allocation between grants--loans--The allocation between grants and loans shall be:~~
- 1) ~~40% of the amount--of--the--fiscal--year--appropriation--to--the Department--shall--be--allocated--to--grants--~~
  - 2) ~~60%--of--the--amount--of--the--fiscal--year--appropriation--to--the Department--shall--be--allocated--to--loans--~~
- a)b) The allocation between counties shall be:
- 1) 67% of the amount of the fiscal year appropriation to the Department shall be allocated to municipalities, counties, local promotion groups and for-profit businesses not wholly or partially within any county of more than 1 million population.
  - 2) 33% of the amount of the fiscal year appropriation to the Department shall be allocated to municipalities, counties, local promotion groups and for-profit businesses wholly or partially within any county of more than 1 million population.
- b)c) The Department reserves the right to reallocate funds by category based on actual need demonstrated during the application cycle.
- d) ~~Feasibility--Studies--No--more--than--10%--of--the--total--amount--allocated in--a--fiscal--year--for--grants--may--be--used--for--feasibility--studies--and analyses--research--and--development--and--management--and--marketing planning--~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 510.200 Administrative Requirements For Grants**

- a) Termination of Grant - Grants shall be terminated for the following reasons:

1) Termination due to Loss of Funding - In the absence of State state funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of State state funding, the Department will make proportionate cuts to all Recipients. In the event the Department suffers such a loss of funding in full or part, the Department will give the Recipient written notice setting forth the effective date of full or partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.

2) Termination for Cause

A) If the Department determines that the Recipient has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances



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which will result in the termination of a grant include, but are not necessarily limited to the following: consistent failure to submit required reports; failure to maintain required records; failure to protect inventory; misuse of equipment purchased with grant funds; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.

B) The Department shall notify the Recipient in writing within 10 working days of the determination to terminate, the reasons for such termination, and the effective date of the termination. Payments made to the Recipient or recoveries by the Department shall be made in accordance with legal rights and liabilities explained in the grant agreement.

3) Termination by Agreement - The Department and the Recipient shall terminate the grant in whole, or in part, when the Department and the Recipient agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditure of funds. The Department and the Recipient shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Recipient for the Department's share of the noncancellable obligations, properly incurred by the Recipient prior to termination.

b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] ~~§§14--Rev--Stat-1989--ch-127--par-23107~~, all interest earned on funds held by the Recipient under the grant shall become part of the grant when earned. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.

c) Record Retention - The Recipient will, as often as deemed necessary by the Department or the Auditor General of the State of Illinois, permit the Department and the Auditor General or any of their duly authorized representatives to have full access to the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant under this program for three ~~37~~ years after the date of submission of the final expenditure report or until the audit findings have been resolved, whichever is later. The Recipient shall include in all contracts under this grant program a provision that the Department or the Auditor General or any of their duly authorized representatives will have full access to and the right to examine any pertinent books, documents, papers and records for any such contractor involving transactions related to the contract for three ~~37~~ years from the final payment under the contract. The term "contract" as used in this clause excludes

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purchase orders not exceeding \$2,500.

d) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act, all funds remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Recipient shall be returned to the Department within 45 days. The Recipient agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.205 Administrative Requirements For Loans and Grants

a) Audits - The Recipient shall be responsible for securing any compliance audit required of grant/loan records. Such audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. ~~§§11--Rev--Stat-1989--ch-1117--par-5589--et--seq-7~~ The audit shall be conducted in accordance with generally accepted auditing standards adopted by the AICPA (1989).

b) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants or loans.

c) Monitoring and Evaluation - Recipients shall permit any agent authorized by the Department, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a grant/loan from the Department.

d) Complaint Process - In the event of a Recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

e) Nondiscrimination - The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5] ~~§§11--Rev--Stat-1989--ch-687--par-1101--et--seq-7~~.

f) Financial Management Standards - The Recipient's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) September 19, 1987, (no later amendments or editions included) to maintain control and accountability over grant/loan funds.

g) Integration Clause - The grant/loan agreement, with attachments, as written is a full and complete agreement between the parties and there are no oral agreements or understandings between the parties that have

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- been reduced to writing herein.
- h) Severability Clause - If any provision under the grant/loan agreement or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the agreement which can be given effect without the invalid provision of application.
- i) Waivers - A waiver of any condition of the agreement shall be in writing and signed by the Director of the Department or his designee.
- j) State not Liable - Recipients shall save the State of Illinois harmless from any and all claims, demands, and actions based upon or arising out of any services performed by themselves or by their agents or employees under this agreement. The Department by entering into this agreement does not pledge or promise to pledge the assets of the State nor does it promise to pledge the assets of the State nor does it promise to pay any compensation to the grant or loan recipients from any monies of the treasury of the State except such monies as shall be appropriated and paid to the Recipient by the Department.
- k) Indemnity - The Recipient agrees to assume all risks of loss and to indemnify and hold the Department, its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs, fees, and expenses, incident thereto, for injuries or death to persons and for loss of, damage to, or destruction of property because of the Recipient's negligence, intentional acts or omissions. In the event of any demand or claim, the Department will notify the Recipient in writing. The Department may elect to defend any such demand or claim against the Department and will be entitled to be paid by the Recipient for all damages.
- l) Insurance - The Recipient shall provide Worker's Compensation Insurance or the same as required, and shall accept full responsibility for the payment of Unemployment Insurance, premiums for Worker's Compensation, Social Security, and retirement and health insurance benefits, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees who are performing services specified by the grant/loan agreement.
- m) Appropriations - Obligations of the Department shall cease immediately without penalty of further payment being required if in any fiscal year the General Assembly fails to appropriate or otherwise make available sufficient funds for the grant/loan agreement.
- n) Certifications - The Recipient shall certify that it is not barred from being awarded a contractor/subcontract under Section 10.1 of the Illinois Purchasing Act [30 ILCS 505/10.1] ~~§10.1-Rev.-Stat.-1989--ch-1977-par-132-10-17~~. The Recipient shall certify that it has not been barred from contracting with a unit of State ~~state~~ or local government as a result of a violation of 720 ILCS 5/33B-3 and 33E-4 ~~Section-33B-3 or--33E-4--of-the-Criminal-Code-of-1961-§101-Rev.-Stat.-1989--ch-307-par-33B-3-and-33E-4~~.
- o) Reports - Recipients shall submit, as required by the Department, Reports on the financial status of the project and narrative reports

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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on outcomes and results.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

## Section 510.210 Purpose

Section 5 of the Illinois Promotion Act (Act) [20 ILCS 665] authorizes the Department of Commerce and Community Affairs to make grants to match funds from sources in the private sector. The intent of this program is to attract and host regional, national or international events which produce significantly increased an economic impact for the State of Illinois.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.220 Definitions

"Applicant" means an Illinois for-profit entity, county, municipality or local promotion group.

"Application" means a request for program funds including the required forms and attachments.

"Department" means the Department of Commerce and Community Affairs.

"Economic Impact" means the direct financial result of an event such as visitor attendance (local and out-of-area), number of room nights utilized, and length of stay.

"Event" means a convention, trade show, or major sporting activity.

"Local promotion group" means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois. [20 ILCS 665/3(b)]

"Municipality" means "municipality" as defined in Section 1-1-2 (1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Private Sector" means any non-governmental entity.

"Program" means the Tourism Private Sector Grant Program.

"Project" means an activity or activities funded by the Tourism



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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Private Sector Grant Program.

"Recipient" means a Local Promotion Group, For-Profit Entity, county or municipality that has been awarded a Private Sector grant under this part.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 510.260 Application Cycle**

a) The Department shall supply interested entities with an application package upon request.

1) Applications under this program will be accepted on an ongoing basis with grants awarded July 1 through May 1 of each State fiscal year. Applications must be received 60 days prior to the award date ~~must be received by June 1 in order to be considered for the August 1 grant award period. Applications received after this date and prior to December 1 will be considered during the second grant award period of February 1 if funds are still available.~~

2) Applications received after April 15 will be considered for grants awarded the next State fiscal year. ~~Buring fiscal year 1994 the application deadline for the first grant cycle will be January 17 1994. The application deadline for the second grant cycle will be March 15 1994.~~

b) Applications will be accepted at the following addresses:

- 1) Illinois Bureau of Tourism, Tourism Private Sector Grant Program, Department of Commerce and Community Affairs, 620 East Adams, Springfield IL 62701; or
- 2) Illinois Bureau of Tourism, Tourism Private Sector Grant Program, Department of Commerce and Community Affairs, James R. Thompson Center, 100 W. Randolph, Suite 3-400, Chicago IL 60601.

c) Applications shall be in writing and on the current approved forms provided by the Department.

d) An application shall be submitted as one ~~1~~ original and three ~~4~~ copies.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 510.275 Evaluation Process**

The Department shall screen all applications to determine whether all requirements of the application package have been addressed and whether the applicant is eligible for funding. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such deficiencies through submission of additional documentation. Fourteen days

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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will be provided to correct such deficiencies. If sufficient documentation is not provided by this time, application will be returned null and void. Department staff shall conduct an evaluation of each application and make recommendations of applications to be considered for funding to an external review committee.

a) The external review committee shall be comprised of the Executive Committee ~~following officers of Visit Illinois, Inc. the Illinois Travel and Tourism Council, Chairman, President, Executive Director, Vice President/Upstate, Vice President/Downstate, Vice President/At Large, Secretary, Treasurer,~~ as well as the Department of Commerce and Community Affairs/Deputy Director of Tourism.

b) The external review committee will review and evaluate the applications recommended by the Department and make recommendations for grant funding ~~to the Financial Committee of the Department~~ for approval or rejection by the Department Director.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 510.280 Selection for Funding**

a) Applicants which best meet the objectives of the program and demonstrate the greatest potential to produce significantly increased economic impact shall receive grant funds until all available funds are expended by the Department.

b) Grant funds will not be used to assist one community in attracting an existing Illinois event from another Illinois community.

c) If multiple Illinois entities apply for costs associated with attracting the same event, no entity will receive grant funds for the attraction of such event. If an Illinois entity is successful in its bid and gets the event, grant funds may be available to that entity for the hosting of such event.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 510.290 Administrative Requirements for Grants**

a) Termination of Grant - Grants shall be terminated for the following reasons:

- 1) Termination Due to Loss of Funding - In the absence of state funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Recipients. In the event the Department suffers such a loss of funding in full or part, the Department will give the Recipient written notice setting forth the effective date of full or partial termination, or if a change in funding is required

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setting forth the change in funding and changes in the approved budget.

## 2) Termination for Cause

A) If the Department determines that the Recipient has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances which will result in the termination of a grant include, but are not necessarily limited to, the following: consistent failure to submit required reports; failure to maintain required records; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.

B) The Department shall notify the Recipient in writing within ten (10) working days after the determination to terminate of the reasons for such termination and the effective date of the termination. Payments made to the Recipient or recoveries by the Department shall be made in accordance with legal rights and liabilities in the grant agreement.

3) Termination by Agreement - The Department and the Recipient shall terminate the grant in whole, or in part, when the Department and the Recipient agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditures of funds. The Department and the Recipient shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Recipient for the Department's share of the noncancelable obligations, properly incurred by the Recipient prior to termination.

b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds held by the Recipient under the grant shall become part of the grant when earned. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.

c) Record Retention - The Recipient will, as often as deemed necessary by the Department or the Auditor General of the State of Illinois, permit the Department and the Auditor General or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant under this program for five (5) years after the date of submission of the final expenditure report or until the audit findings have been resolved, whichever is later. The Recipient shall include in all contracts under this grant program a provision that the Department or the Auditor General or any

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of their duly authorized representatives will have full access to and the right to examine any pertinent books, documents, papers and records for any such contractor involving transactions related to the contract for five (5) years from the final payment under the contract. ~~The term "contract" as used in this clause excludes purchase orders not exceeding \$2,500.~~

d) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act, all funds remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Recipient shall be returned to the Department within 45 days. The Recipient agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.

e) Audits - The Recipient shall be responsible for securing any compliance audit required of grant records. Such audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act (225 ILCS 450). The audit shall be conducted in accordance with generally accepted auditing standards adopted by the AICPA (1989).

f) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants.

g) Monitoring and Evaluation - Recipients shall permit any agent authorized by the Department, upon presentation of credentials, in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a grant from the Department.

h) Complaint Process - In the event of a Recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

i) Nondiscrimination - The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (775 ILCS 5).

j) Financial Management Standards - The Recipient's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA), September 19, 1987 (no later amendments or editions included) to maintain control and accountability over grant funds.

k) Integration Clause - This agreement constitutes the final and entire agreement between the parties, and supersedes all prior written agreements and any prior or contemporaneous oral understandings regarding the subject matter hereof.



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- l) Severability Clause - If any provision under the grant agreement or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the agreement which can be given effect without the invalid provision of application.
- m) Waivers - A waiver of any condition of the agreement shall be in writing and signed by the Director of the Department or his designee.
- n) State Not Liable - Recipients shall save the State of Illinois harmless from any and all claims, demands, and actions based upon or arising out of any services performed by recipients or by their agents or employees under this agreement. The Department by entering into this agreement does not pledge or promise to pledge the assets of the State nor does it promise to pay any compensation to the grant recipients from any monies of the treasury of the State except such monies as shall be appropriated and paid to the Recipient by the Department.
- o) Indemnity - The Recipient agrees to assume all risks of loss and to indemnify and hold the Department, its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs, fees, and expenses, incidents thereto, for injuries or death to persons and for loss of, damage to, or destruction of property because of the Recipient's negligence, intentional acts or omissions. In the event of any demand or claim, the Department will notify the Recipient in writing. The Department may elect to defend any such demand or claim against the Department and will be entitled to be paid by the Recipient for all damages.
- p) Insurance - The Recipient shall provide Worker's Compensation Insurance or the same as required, and shall accept full responsibility for the payment of Unemployment Insurance, premiums for Worker's Compensation, Social Security, and retirement and health insurance benefits, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees who are performing services specified by the grant agreement.
- q) Appropriations - Obligations of the Department shall cease immediately without penalty of further payment being required if any fiscal year the General Assembly fails to appropriate or otherwise make available sufficient funds for the grant agreement.
- r) Certifications - The Recipient shall certify that it is not barred from being awarded a contract or subcontract under Section 10.1 of the Illinois Purchasing Act [30 ILCS 505/10.1]. The Recipient shall certify that it has not been barred from contracting with a unit of State ~~state~~ or local government as a result of a violation of 720 ILCS 5/33E-3 and 33E-4.
- s) Reports - Recipients shall submit, as required by the Department, reports on the financial status of the project and narrative reports on outcomes and results.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Accounting for Non-Public Utility Business of Electric Utilities
- 2) Code Citation: 83 Ill. Adm. Code 416
- 3) Section Numbers:  
416.10 Proposed Action:  
416.20 New Section  
416.30 New Section
- 4) Statutory Authority: Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].

- 5) A Complete Description of the Subjects and Issues Involved: On December 16, 1997, Governor Edgar signed into law P.A. 90-561, which restructures the electric utility industry in Illinois. The Public Act adds Articles XVI, XVII, and XVIII to the Public Utilities Act (PUA) and amends or adds other Sections of the PUA. The Public Act also revises the taxation associated with electric utilities.

The Public Act amends Section 7-206 of the PUA. Section 7-206 states in relevant part:

The Commission shall have the power to inquire as to and prescribe the apportionment of capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such public utility as distinguished from such other business. *Provided, however, that an electric or gas public utility shall not be required to maintain the accounts of any non-public utility business in the same manner and form as the electric or gas public utility is required to keep the accounts of its public utility business unless expressly ordered by the Commission.* (Emphasis added)

It is necessary for accounting procedures to be in place to prevent direct or indirect cross-subsidization between the public utility and the non-public utility business. If expenses which support non-public utility business are included in the public utility business, the public utility customers would suffer irreparable harm and consequences. If expenses associated with the non-public utility business were included as a cost of the public utility business in a Commission proceeding to examine the appropriate level of rates of the public utility, the public utility customers would be responsible for expenses which properly belong to the utility's non-public utility business. Rates would be higher than they would have been had not these non-public utility business expenses been included in the cost of service.

## ILLINOIS COMMERCE COMMISSION

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While newly-added Section 16-111(a) of the PUA has limited the possibility of rate proceedings for electric utilities, the Commission maintains Article IX ratemaking authority over many electric tariffs as to which it may become necessary to differentiate between expenses and revenues of the public utility business and the non-public utility business. Examples include the recovery of fuel costs through the fuel adjustment charge, environmental clean up costs through the public utility's coal tar rider, and anticipated decommissioning costs through the public utility's decommissioning rider. In addition, an electric utility whose earnings fall below the Section 16-111(d) benchmark is entitled to seek rate relief under that provision. In such a proceeding, it will be necessary to ensure that the rates set do not effectuate the cross-subsidization by utility ratepayers of costs associated with the non-public utility business.

- 6) Will these proposed rules replace emergency rules currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
217/782-7434

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will not affect any small businesses.

B) Reporting, bookkeeping or other procedures required for compliance:



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

## Bookkeeping procedures

- C) Types of professional skills necessary for compliance: Accounting skills

- 13) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the 2 most recent agendas because: the Commission did not anticipate the need for these rules.

The full text of the Proposed Rules is identical to the text of Emergency Rules for this Part appearing on page of this issue of the Illinois Register.

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## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Accounting for Non-Public Utility Business of Gas Utilities

- 2) Code Citation: 83 Ill. Adm. Code 506

- 3) Section Numbers: Proposed Action:  
506.10 New Section  
506.20 New Section  
506.30 New Section

- 4) Statutory Authority: Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].

- 5) A Complete Description of the Subjects and Issues Involved: On December 16, 1997, Governor Edgar signed into law P.A. 90-561, which restructures the electric utility industry in Illinois. The Public Act adds Articles XVI, XVII, and XVIII to the Public Utilities Act (PUA) and amends or adds other Sections of the PUA. The Public Act also revises the taxation associated with electric utilities.

The Public Act amends Section 7-206 of the PUA. Section 7-206 states in relevant part:

The Commission shall have the power to inquire as to and prescribe the apportionment of capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such public utility as distinguished from such other business. Provided, however, that an electric or gas public utility shall not be required to maintain the accounts of any non-public utility business in the same manner and form as the electric or gas public utility is required to keep the accounts of its public utility business unless expressly ordered by the Commission. (Emphasis added)

It is necessary for accounting procedures to be in place to prevent direct or indirect cross-subsidization between the public utility and the non-public utility business. If expenses which support non-public utility business are included in the public utility business, the public utility customers would suffer irreparable harm and consequences. If expenses associated with the non-public utility business were included as a cost of the public utility business in a Commission proceeding to examine the appropriate level of rates of the public utility, the public utility customers would be responsible for expenses which properly belong to the utility's non-public utility business. Rates would be higher than they would have been had not these non-public utility business expenses been included in the cost of service.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

- 6) Will these proposed rules replace emergency rules currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
217/782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will not affect any small businesses.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping procedures.

C) Types of professional skills necessary for compliance: Accounting skills.

- 13) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the two most recent agendas because the Commission did not anticipate the need for these rules.

The full text of the Proposed Rules is identical to the text of Emergency Rules for this Part appearing on page 2044 of this issue of the Illinois Register.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3) Section Number: Proposed Action:
- |         |        |
|---------|--------|
| 240.155 | New    |
| 240.160 | Amend  |
| 240.170 | Repeal |
| 240.180 | Amend  |
| 240.185 | New    |
| 240.190 | Amend  |
- 4) Statutory Authority: Implemented and authorized by Section 6 of the Illinois Oil and Gas Act [225 ILCS 725/6].

- 5) A complete description of the subjects and issues involved: In Section 240.155, the Department is proposing a new section of rules to implement Section 11 of the Illinois Oil and Gas Act which allows the Department to initiate legal action through the Attorney General against any person violating or threatening any provision of the Illinois Oil and Gas Act. The proposed rules implement procedural actions to be carried out by the Division in initiating these enforcement actions through the Attorney General's office.

In Section 240.160, the Department is proposing amendments to this existing section to change the types of violations regarding the amount of fines assessed for each violation. The changed civil penalty assessment amounts are being proposed for those violations which have a significant impact on the environment. In addition, this section is being amended to allow the Division to enter into settlement agreements as a result of negotiated settlements of enforcement actions.

In Section 240.170, this section is being repealed and proposed under new Section 240.185.

In Section 240.180, the Department is proposing amendments to this section to clarify administrative and hearing procedures for enforcement cessation orders relating to specific events as differentiated in the Illinois Oil and Gas Act from cessation of operation orders for an operators statewide operations. This section also is being amended to requires the payment of civil penalties be paid by cashiers check or money order which is necessary to ensure collection of those funds.

In Section 240.185, the Department is proposing this new section as from repealed Section 240.170. The new section clarifies the administrative procedures to be in compliance with the cessation order provisions of the Illinois Oil and Gas Act.



## DEPARTMENT OF NATURAL RESOURCES

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In Section 240.190, the Department is amending this existing section to clarify the hearing procedures which are to be in compliance with the hearing procedures for cessation orders contained in the Illinois Oil and Gas Act.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
240.1600	Amendment	22 Ill. Reg. 988 January 2, 1998
240.1610	Amendment	22 Ill. Reg. 988 January 2, 1998
240.1620	Amendment	22 Ill. Reg. 988 January 2, 1998
240.1625	New	22 Ill. Reg. 988 January 2, 1998
240.1630	Amendment	22 Ill. Reg. 988 January 2, 1998
240.1635	Amendment	22 Ill. Reg. 988 January 2, 1998
240.1640	Amendment	22 Ill. Reg. 988 January 2, 1998

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Alfred L. Clayborne, Legal Counsel,  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
217/782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

involved. All comments are due at the above address no later than 5:00 p.m. on March 9, 1998. Comments received thereafter will not be considered in this rulemaking.

The Department will hold a public hearing on the proposed rulemaking on February 25, 1998 at the Ramada Keller Convention Center in Effingham, Illinois at 1:00 p.m. Representatives of small businesses are encouraged to comment above the impact of the proposed rulemaking at this public hearing.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will allow small oil and gas permittees to conduct their operations in a more cost-effective manner. The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department neglected to file a regulatory agenda on this part.

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## PART 240

THE ILLINOIS OIL AND GAS  
ACT

## SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notices (Repealed)
240.131	Unitization Hearings
240.132	Integration Hearings
240.133	Hearings to Establish Pool-Wide Drilling Units
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.155	Civil Complaint
240.160	Director's Decision
240.170	Cessation Order (Repealed)
240.180	Enforcement Hearings and Enforcement Cessation Orders
240.185	Cessation of Operations
240.190	Temporary Relief Hearings
240.195	Subpoenas

## SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section	
240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.245	Additional Requirements for Horizontal Drilling
240.250	Issuance of Permit to Drill
240.251	Revocation of Permit to Drill

## DEPARTMENT OF NATURAL RESOURCES

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240.255	Conversion of a Production Well to a Water Well
240.260	Change of Well Location
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280	Duration of Underground Injection Well Orders (Repealed)

## SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section	
240.300	Applicability
240.305	Transfer of Management (Recodified)
240.310	Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well
240.320	Contents of Application
240.330	Authority of Person Signing Application
240.340	Proposed Well Construction and Operating Parameters
240.350	Groundwater and Potable Water Supply Information
240.360	Area of Review
240.370	Public Notice
240.380	Issuance of Permit
240.385	Conversion of a Class II Well to a Water Well
240.390	Permit Amendments
240.395	Update of Class II UIC Well Permits Issued Prior to July 1, 1987

## SUBPART D: SPACING OF WELLS

Section	
240.400	Definitions
240.410	Drilling Units
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240.905	Application for a Liquid Oilfield Waste Transportation Vehicle Permit
240.910	Inspection of Vehicles (Tanks)
240.920	Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits
240.925	Liquid Oilfield Waste Recordkeeping Requirements
240.926	Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements
240.930	Produced Water
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240.960	Oil Field Brine Hauling Permit Conditions (Repealed)
240.970	Inspection of Vehicles (Repealed)
240.980	Transfer of Permits (Repealed)
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240.990	Records and Reporting Requirements (Repealed)
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## SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

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	240.1250	When Wells Shall Be Plugged and Department Notification
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Section	240.1300	Introduction
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240.1380	Transfer of Permits (Recodified)
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## SUBPART N: TRANSFER OF PERMIT

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	240.1420	When Notification to be Made
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Section	240.1500	When Required, Amount and When Released
	240.1510	Definitions
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## SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section	240.1600	Definitions
	240.1610	Plugging Leaking or Abandoned Wells
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## SUBPART Q: ANNUAL WELL FEES

Section	240.1700	Fee Liability
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SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS  
AND FOR GAS STORAGE AND OBSERVATION WELLS

Section	Applicability
240.1800	Definitions
240.1805	Submission of Underground Gas Storage Field Map
240.1810	Permit Requests in a Underground Gas Storage Field
240.1820	Application for Permit to Drill or Convert Wells
240.1830	Content of Application for Permit to Drill or Convert to an
240.1835	Observation or Gas Storage Well
240.1840	Authority of Person Signing Application
240.1850	Issuance of Permit
240.1852	Gas Storage and Observation Well, Construction, Operating and
	Reporting Requirements
240.1855	Well Drilling Completion and Workover Requirements
240.1860	Storage Field Operating Requirements
240.1865	Liquid Oilfield Waste Disposal
240.1870	Plugging of Gas Storage and Observation Wells

## SUBPART S: REQUIREMENTS FOR SERVICE WELLS

Section	Applicability
240.1900	Application for Permit to Drill or Convert to Other Types of Wells
240.1905	or Drill Holes
240.1910	Contents of Application for Permit to Drill or Convert to a Service
	Well
240.1920	Authority of Person Signing Application
240.1930	Issuance of Permit
240.1940	When Wells Shall Be Plugged and Department Notification
240.1950	Plugging and Restoration Requirements
240.1960	Converting to Water Well

**AUTHORITY:** Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 725/6 and 8a].

**SOURCE:** Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513,

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effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 18361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART A: GENERAL PROVISIONS

Section 240.155 Civil Complaint

- a) The Department may elect to file an action with the Attorney General and not issue a notice of violation pursuant to Section 240.150.
- b) In accordance with Section 11 of the Act, the Department through the Attorney General may bring an action in the name of the People of the State of Illinois against such person in the circuit court of the county wherein any part of the land or any activity which is the subject matter of such action is located, or a final administrative order was entered, to restrain such person from continuing such violation or from carrying out the threat of violation. In such action the Department, in the name of the People of the State of Illinois, may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, or other enforcement orders as the facts may warrant including but not limited to:

- 1) an assessment of a \$1,000 civil penalty per documented event in the previous 2 years; and/or
  - 2) submission of a bond in accordance with Subpart O; and/or
  - 3) denial of new drilling and/or operating permits.
- c) The provisions of this Section, apply to the following:
- 1) violations of any requirement of the Act which the Department determines creates a substantial and imminent danger to the health or safety of the public; or
  - 2) violations of the Act which pose an imminent danger of substantial environmental harm or cause environmental damage to property or contamination of surface or ground waters of the State as a result of improper disposal, release, or discharge of produced fluid; or
  - 3) if the permittee has shown a pattern of documented events

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involving improper disposal, release, or discharge of produced fluids within the previous 2 years from the date of the most recent event.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.160 Director's Decision

a) Upon receipt of a notice of violation, the Director of the Department, or his designee, shall conduct an investigation and may affirm, vacate or modify the notice of violation. In determining whether to take action in addition to remedial action necessary to abate a violation the Director shall consider:

- 1) the person's or permittee's history of previous violations, including violations at other locations and under other permits;
- A) A violation shall not be counted if the notice or order is the subject of pending administrative review by the Department under Section 240.180 or if the time to request such review has not expired, and thereafter it shall be counted for only two years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision;
- B) No violation for which the notice or order has been vacated shall be counted;

- 2) the seriousness of the violation, including any irreparable harm to the environment or damage to property;
- 3) the degree of culpability of the person or permittee; and
- 4) the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the person or permittee.

b) Modification of the notice of violation may include:

- 1) any different or additional remedial actions necessary to abate the violation, as set forth in Section 240.150(b)(2), and the time within which the violation must be abated;
- 2) the assessment of civil penalties not to exceed \$1,000 a day for each and every act of violation;
- 3) probationary or permanent modification or conditions on the permit which may include special monitoring or reporting requirements; and
- 4) revocation of the permit. (Section 8a of the Act)

c) The Director shall determine whether or not to assess civil penalties based on the factors set forth in subsection (a), above. If a penalty is assessed by the Department, the penalty shall be computed as follows:

- 1) Administrative violations, including, but not limited to, the failure to file the reporting, permitting and bond transfer forms required by the Department, the failure to submit information

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required by the Department pursuant to well file reviews, shall be assessed on an permittee-specific basis. The Department may assess up to \$250 for an administrative violation as follows:

A) History of Violations:

- i) No previous violation of the same rule: add \$25.
- ii) One previous violation of the same rule: add \$50.
- iii) Two previous violations of the same rule: add \$100.
- iv) Three or more previous violations of the same rule: add \$150.

B) Permittee's Actions:

- i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply: add \$100.
- ii) If the permittee abated the violation within the specified time frame: subtract \$200.
- iii) If the permittee either substantially abated the violation within the specified time frame or, if all corrective actions were not completed yet the permittee requested and received an extension of the abatement deadline: subtract \$100.

- 2) Operating violations, including, but not limited to operating a well required to be permitted under the Act without first obtaining a permit from the Department, operating a well required to be permitted under the Act without first obtaining the Department's transfer of operating authority, operating a well in violation of Department spacing requirements, pressure on the annulus, the failure to maintain the well and flow line in a leak-free condition, the failure to maintain lined-pipes, the failure to configure the wellhead for the inspection of the annulus, the failure to comply with specified permit conditions, the failure to report or clean-up a spill, and the failure to maintain containment dikes, failure to maintain required performance bond in force for the wells under permit and failure to pay annual well fees, shall be assessed on a permittee-specific basis. Multiple incidents of the same violation against a permittee on the same occasion shall not be considered separate violations. The Department may assess up to \$500 for an operating violation as follows:

A) History of Violations:

- i) No previous violation of the same rule: add \$50.
- ii) One previous violation of the same rule: add \$100.
- iii) Two or more previous violations of the same rule: add \$150.

B) Seriousness:

- i) If the violation had a low degree of probability to cause environmental damage to soil and/or land



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surface, vegetation or crops, surface water, ground water, livestock or wildlife: add \$50; or, if the violation had a high degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, ground water, livestock or wildlife: add \$100; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, ground water, livestock or wildlife: add \$200.

- ii) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$500.00 \$200.

## C) Permittee's Actions:

- i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply: add \$100.

- ii) If the violation occurred as a result of the permittee's lack of reasonable care: add \$50; or, if the violation occurred as a result of the permittee's deliberate conduct: add \$200.

- iii) If the permittee abated the violation within the specified time frame: subtract \$250.

- iv) If the permittee either substantially abated the violation within the specified time frame, or, if all corrective actions were not completed yet the permittee requested and received an extension of the abatement deadline: subtract \$100.

- 3) Operating ~~Brilling-or-operating-a-well-required-to-be-permitted under---the-Act-without-first-obtaining-a-permit--from--the Department--or-operating-a-well-required-to-be-permitted-under-the Act--without---first--obtaining--the--Department's--transfer--of operating--authority--or---operating an annular or casing injection/disposal well, operating-a-well--in--violation--of Department--spacing--requirements or operating wells by a permittee for whom wells have been placed into or, funds have been expended from the PRF Fund, failure to clean-up a crude oil or produced water spill, or the improper disposal or discharge of produced fluids. or--if--the--Department--determines--that--any condition--or-practice--exists--or--that--any person--or permittee--is in--violation--of--any requirement--of--the-Act--or--this--Part--or--any permit--condition--which-condition--practice--or--violation--creates an-imminent-danger-to-the-health-or-safety-of-the-public--or--an imminent--danger-of-significant-environmental-harm--or-significant damage-to-property~~, shall result in an initial the assessment of up--to a \$1,000 penalty for each and every such violation. Additional (Section 19.1 of the Act). Assessments for these

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violations may be ~~are~~ computed as follows:

## A) History of Violations:

- ii) ~~No-previous-violation-of-the-same-rate--add-\$100-~~ One or more previous violation of the same rule in accordance with subsection (a)(1)(A) of this Section: add \$100.00 per violation \$500.

## B) Seriousness:

- i) If the violation caused environmental damage to surface water, ground water or wildlife: add \$200.  
ii) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$500.00 \$200.

## C) Permittee's Action:

- ii) If the violation occurred as a result of the permittee's lack of reasonable care: add \$100; or, if the violation occurred as a result of the permittee's deliberate conduct: add \$500.

- iii) ~~If-the-permittee--abated--the--violation--within--the specified-time-frame--subtract-\$250-~~

- iii) ~~If--all-corrective-actions-were-not-completed--yet--the permittee-requested-and-received-an-extension--of--the abatement-deadline--subtract-\$100-~~

- d) Any responsible person who willfully or knowingly authorized, ordered, or carried out any violation cited in the Director's decision shall be subject, after notice, to the same actions, including civil penalties, which may be imposed on the person or permittee under this Section. (Section 8a of the Act)

- e) The Director or his designee shall serve the person or permittee with his decision at the conclusion of his investigation. The Director's decision shall provide that the person or permittee has the right to request a hearing in accordance with Section 240.180. The Director's decision affirming, vacating or modifying the notice of violation shall be served in accordance with Section 8a of the Act.

- f) A Director's decision not appealed in accordance with Section 240.180 within 30 days after service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act. The filing of a request for hearing under Section 240.180 shall not operate as a stay of the Director's decision.

- g) The permittee may, within 30 days from the date of service of the Director's Decision, submit to the Department, in writing, any mitigating factors which permittee believes to be relevant to any violation cited in the Director's Decision.

- h) Upon further investigation, the Director of the Department, or his designee, may enter into a settlement agreement, issue an amended or replacement Director's Decision.

- ii) A settlement agreement shall be issued to:

- A) extend the amount of time provided to complete remedial actions necessary to abate the violations set forth in the

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Director's Decision; or

- B) reduce the civil penalty assessed in the Director's Decision; or

C) allow new permits or the transfer of existing permits to be issued during the term of the settlement agreement.

2+) An Amended Director's Decision shall be issued to:

- A) extend the amount of time provided to complete remedial action necessary to abate the violation set forth in the Director's Decision; or

B) reduce the civil penalty assessed in the Director's Decision.

32) A replacement Director's Decision shall be issued to correct an administrative error contained in the Director's Decision or the Notice of Violation.

49) The permittee shall have no right to hearing associated with the issuance of an amended or replacement Director's Decision.

- i) If the Director's decision includes the assessment of a civil penalty, and the person or permittee named in the Director's decision does not request a hearing in accordance with Section 240.180 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days after service of the Director's decision.

j) All civil penalties assessed and paid to the Department shall be deposited in the Underground Resources Conservation Enforcement Fund. (Section 8a of the Act)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.170 Cessation Order (Repealed)

- a) The Department may issue orders requiring the cessation of operations including the plugging of a well, for either of the following reasons:
- i) If, at the expiration of the period of time originally fixed in the Director's decision or at the expiration of any subsequent extension of time granted by the Department, the Department finds that the violation has not been abated, it may immediately order the cessation of operations or the portions thereof relevant to the violation. (Ill. Rev. Stat. 1991, ch. 96-1/2, par. 5-1/2, (225-156S-725/92)

2) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or the rules adopted thereunder or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of operations. (Ill.

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Rev. Stat. 1991, ch. 96-1/2, par. 5-1/2, (225-156S-725/19-1) drilling or operating without a permit from the Department a well required to be permitted under the Act or operating a well required to be permitted under the Act without first obtaining the Department's transfer of operating authority, operating an annular casing injection/disposal well, operating a well in violation of the Department's spacing requirements, operating wells without paying annual well fees or operating wells without maintaining the required amount of performance bond in force, or wells being operated by a permittee for whom funds have been expended from the PRP Fund in accordance with Subpart Q of this part, constitute conditions, practices or violations mandating the issuance of a cessation order under this subsection.

b) If a responsible party cannot be readily located in the judgment of the employee or agent issuing the cessation order, the employee or agent may take any action he deems necessary to cause a cessation of operations and abatement of any violation observed. (Ill. Rev. Stat. 1991, ch. 96-1/2, par. 5-1/2, (225-156S-725/19-1)

c) The cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it, certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practicably possible but in no event later than 5 days after its issuance. (Ill. Rev. Stat. 1991, ch. 96-1/2, par. 5-1/2, (225-156S-725/19-1)

d) The cessation order shall provide that the person or permittee named in the order has the right to request a hearing in accordance with Section 240.180. The cessation order shall be considered served when personally delivered to the person or permittee named in the order or when the cessation order is mailed, certified mail, return receipt requested, to the person or permittee at his last known address.

e) A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. (Ill. Rev. Stat. 1991, ch. 96-1/2, par. 5-1/2, (225-156S-725/80) The filing of a request for a hearing under Section 240.180 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.180.

f) A cessation order not appealed in accordance with Section 240.180 within 30 days of service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.180 Enforcement Hearings and Enforcement Cessation Orders

- a) A person or permittee shall have 30 days from the date of service of the Director's decision or of the cessation order to request a hearing. (Section 8a of the Act) Except as provided in subsection (b)



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below, a person or permittee seeking to contest any Director's decision in which a civil penalty has been assessed shall submit the assessed amount to the Department, by cashiers check or money order, together with a timely request for hearing. The assessed amount shall be deposited by the Department pending the outcome of the hearing. The assessed amount shall be refunded to the person or permittee at the conclusion of the hearing if the Department does not prevail. All requests for hearing shall be mailed or delivered to the Department's office located in Springfield, Illinois.

b) If a civil penalty assessment is imposed against a person pursuant to Section 240.160(d), such person will not be required to prepay the penalty in order to contest either the amount of the penalty or the fact of the violation.

c) Upon receipt of a request for hearing submitted in accordance with subsections (a) or (b), the Department shall provide an opportunity for a formal hearing upon not less than 5 days written notice mailed to the permittee or person submitting the hearing request. (Section 8a of the Act) The hearing shall be conducted by an impartial hearing officer not employed by the Department and shall be conducted in accordance with the following procedures:

- 1) A pre-hearing conference:
  - A) shall be scheduled within 30 days after the request for hearing:
    - i) to define the factual and legal issues to be litigated at the administrative hearing;
    - ii) to determine the timing and scope of discovery available to the parties;
    - iii) to set a date for the parties to exchange all documents they intend to introduce into evidence during the hearing, a list of all witnesses the parties intend to have testify and a summary of the testimony of each such witness;
    - iv) to schedule a date for the administrative hearing; and
    - v) to arrive at an equitable settlement of the hearing request, if possible.
  - B) Pre-hearing conferences under this Section may be conducted via telephone conference if such procedure is acceptable to all parties to the hearing. In the event that a telephone conference is not acceptable to all parties, the pre-hearing conference shall be conducted the place designated by the hearing officer.
  - C) Either party may file motions for default judgment, motions for summary judgment, motions for protective orders and motions for orders compelling discovery. The Department's hearing officer shall render an order granting or denying such motions filed within 15 days after service. Any order granting a motion for default judgment or a motion for summary judgment shall constitute the Department's final

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administrative decision as to the Director's Decision or cessation order being contested.

2) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice of violation or cessation order was issued will be deemed to have waived all right to further review of the violation or civil penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect. All settlement agreements shall be executed by the hearing officer and shall constitute the Department's final administrative decision as to the Director's Decision or cessation order being contested.

3) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act (5 ILCS 100/Art. 10). All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois. However, the Department may conduct a hearing under this Section at a site located closer than Springfield, Illinois, to the production and/or injection/disposal well identified in the Director's decision or ~~cessation-order~~ being contested if facilities are available and convenient satisfactory to the Department.

4) At the hearing the Department shall have the burden of proving the facts of the violation alleged in the notice of violation or ~~cessation-order~~ at issue. The amount of any civil penalty assessed shall be presumed to be proper; however, the operator may offer evidence to rebut this presumption. The standard of proof shall be a preponderance of the evidence. The person or permittee shall have the right to challenge the hearing officer if the person or permittee believes the hearing officer is prejudiced against him or has a conflict of interest. If the hearing officer disqualifies himself, the Director shall designate a new hearing officer. The hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

5) The Director shall review the administrative record ~~in a contested-case~~ in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision. *d) The person or permittee's failure to request a hearing in accordance with subsection (a) shall constitute a waiver of all legal rights to contest the Director's decision or the cessation-order, including the amount of any civil penalty assessed. Within 30 days of the close of the hearing record or expiration of the time to request a hearing, the*

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

*Department shall issue a final administrative decision, pursuant to Section 10 of the Act. (Section 8a of the Act)*  
*If, at the expiration of the period of time originally fixed in the Director's decision or at the expiration of any subsequent extension of time granted by the Department, the Department finds that the violation has not been abated, it may immediately order the cessation of operations or the portions thereof relevant to the violations (225 ILCS 725/8a)*

f) Notice of the cessation order shall be served in accordance with Section 240.185(d). The notice shall contain a scheduled hearing date which shall be held within 5 days after the issuance of the cessation order to determine whether the person or permittee has complied with any final administrative order upon which the cessation order is based. The hearing shall be conducted by a hearing officer, designate by the Department, and held in the Department office in Springfield, Illinois.

g) The cessation order shall provide that the person or permittee named in the order has the right to request a temporary relief hearing within 14 days from the date of issuance of the cessation order in accordance with Section 240.190.

h) A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. (225 ILCS 725/8a) The filing of a request for temporary relief under Section 240.190 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.190.

i) A cessation order not subject to temporary relief in accordance with subsection (g) above shall become a final administrative decision of the Department pursuant to Section 10 of the Act.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.185 Cessation of Operations**

a) The Department may issue orders requiring the cessation of operations, without issuing a notice of violation in accordance with Section 240.160.

b) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or the rules adopted thereunder or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of operations. (225 ILCS 725/19.1). Drilling or operating without a permit from the Department a well required to be permitted under the Act, operating a well required to be permitted under the Act without

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

first obtaining the Department's transfer of operating authority, operating an annular or casing injection/disposal well, operating a well in violation of the Department's spacing requirements, operating wells without paying annual well fees or operating wells without maintaining the required amount of performance bond in force, or wells being operated by a permittee for whom funds have been expended from the PRF Fund in accordance with Subpart Q of the Part, constitute conditions, practices or violations mandating the issuance of a cessation order under this subsection.

c) *If a responsible party cannot be readily located in the judgment of the employee or agent issuing the cessation order, the employee or agent may take any action he deems necessary to cause a cessation of operations and abatement of any violation observed. (225 ILCS 725/19.1)*

d) The cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practicably possible but in no event later than 5 days after its issuance. (Ill. Rev. Stat. 1991, Ch. 96 BD, par. 5426) (225 ILCS 725/19.1)

e) The cessation order shall provide that the person or permittee named in the order has the right to request a temporary relief hearing within 14 days from the date of issuance of the cessation order in accordance with Section 240.190. The cessation order shall be considered served when personally delivered to the person or permittee named in the order or when the cessation order is mailed certified mail, return receipt requested, to the person or permittee at his last known address.

f) At the hearing, the Department shall have the burden of proving the facts of the violation alleged in the cessation order. The standard of proof shall be a preponderance of the evidence. The impartial hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render findings of fact, conclusion of law and issue the final administrative decision of the Department.

g) A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. (225 ILCS 725/8a) The filing of a request for temporary relief under Section 240.190 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.190.

h) A cessation order not subject to temporary relief in accordance with subsection (e) above shall become a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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- a) Pending the holding of a hearing ~~or entry of a final administrative decision~~ in accordance with Section 240.185(e) and 240.180(g) relating to a cessation order issued under Section 240.185 or 240.180 240-170, the person or permittee affected by the Department's action may file a written request for temporary relief from the cessation order, together with a detailed statement giving reasons for granting such relief. (Section 8a of the Act) The person or permittee shall serve the request for temporary relief within 14 days after service of the cessation order.
- b) The Department shall commence a hearing within 5 working days after receipt of a timely request for temporary relief and may grant such relief, under such conditions as it may prescribe, if the person or permittee requesting temporary relief shows a substantial likelihood that the findings of the Department will be favorable to him and such relief will not adversely affect the health or safety of the public or cause significant environmental harm or significant damage to property. (Section 19.1 of the Act)
- c) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act. All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois.
- d) At the hearing the Permittee shall have the burden of proving that temporary relief from the cessation order will not adversely affect the health or safety of the public or cause environmental harm or significant damage to property. The hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render findings of fact, conclusions of law and the disposition of the case.
- e) The Department's hearing officer shall issue a final administrative decision granting or denying temporary relief from the cessation order within 7 days after the close of the administrative record, pursuant to Section 10 of the Act.
- f) The person or permittee's failure to request a hearing in accordance with subsection (a) shall constitute a waiver of all legal rights to contest the cessation order.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Numbers: Proposed Action:  
1220.415 New Section
- 4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 90-0061, effective December 30, 1997, includes changes in the fee structure under the Illinois Dental Practice Act. Among its changes was an increase in the renewal fees for dentists and dental hygienists and elimination of other statutory fees, replacing them with fees set by administrative rule. Under this proposed rulemaking, application fees for dentists, dental specialists, dental hygienists, and continuing education sponsors are increased, as are application fees for sedation permits and temporary training and restricted faculty licenses.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation           |
|-----------------|-----------------|--------------------------------------|
| 1220.500        | Amendment       | 21 Ill. Reg. 10889<br>August 8, 1997 |
| 1220.510        | Amendment       | 21 Ill. Reg. 10889<br>August 8, 1997 |
| 1220.520        | Amendment       | 21 Ill. Reg. 10889<br>August 8, 1997 |
| 1220.525        | Amendment       | 21 Ill. Reg. 10889<br>August 8, 1997 |
| 1220.530        | Amendment       | 21 Ill. Reg. 10889<br>August 8, 1997 |
| 1220.540        | Amendment       | 21 Ill. Reg. 10889<br>August 8, 1997 |
| 1220.560        | Amendment       | 21 Ill. Reg. 10889<br>August 8, 1997 |
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington, 3rd Floor  
 Springfield, IL 62786  
 217/785-0813  
 Fax: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing dental services.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Dental and dental hygienist skills are required for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appear in this issue of the Register on page

2332

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers: Proposed Action:  
 679.50 Amend

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: The Service Cost Maximums are being increased by 3% per the State Fiscal Year 1998 appropriation. The ratio was increased for both individuals served by the HSP Medicaid Waiver (650.50(b)) and the AIDS waiver (650.50(c)).

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
 Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create nor expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All request and comments should be submitted in writing to:

Ms. Susan Warner, Manager  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 Springfield, Illinois 62762  
 (217) 785-9772  
 TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of this Proposed Rulemaking is identical to the text of the emergency rulemaking that appears on page 2328 of this Illinois Register:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailer's Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: Proposed Action:  
130.1945 Amendment

4) Statutory Authority: 35 ILCS 120

5) A Complete Description of the Subject and Issues Involved: This regulation amends Section 130.1945, "Co-operative Associations," to clarify that agricultural cooperatives are considered servicemen when they engage in rendering services (e.g., applying farm chemicals). This rulemaking clarifies that cooperatives may act in several ways -- as retailers when they sell tangible personal property, and as servicemen when they engage in sales of service.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
130.330	Amendment	9/26/97, 21 Ill. Reg. 13085
130.1951	Amendment	10/17/97, 21 Ill. Reg. 13788

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Jerilyn Gorden  
Senior Counsel - Sales and Excise Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: Agricultural cooperatives.
- B) Reporting, bookkeeping or other procedures required for compliance:  
None beyond those currently required.
- C) Types of professional skills necessary for compliance: Compliance with this rulemaking does not require professional skills beyond those currently required for general bookkeeping compliance.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 130  
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section  
130.101  
130.105  
130.110  
130.111  
130.115  
130.120

Character and Rate of Tax  
Responsibility of Trustees, Receivers, Executors or Administrators  
Occasional Sales  
Sale of Used Motor Vehicles by Leasing or Rental Business  
Habitual Sales  
Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section  
130.201  
130.205  
130.210  
130.215  
130.220

The Test of a Sale at Retail  
Sales for Transfer Incident to Service  
Sales of Tangible Personal Property to Purchasers for Resale  
Further Illustrations  
Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section  
130.305  
130.310  
130.315  
130.320  
130.321  
130.325  
130.330  
130.331  
130.335  
130.340  
130.345  
130.350

Farm Machinery and Equipment  
Food, Drugs, Medicines and Medical Appliances  
Fuel Sold for Use in Vessels on Rivers Bordering Illinois  
Gasohol  
Fuel Used by Air Common Carriers in International Flights  
Graphic Arts Machinery and Equipment Exemption  
Manufacturing Machinery and Equipment  
Manufacturer's Purchase Credit  
Pollution Control Facilities  
Rolling Stock  
Oil Field Exploration, Drilling and Production Equipment  
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section  
130.401  
130.405

Meaning of Gross Receipts  
How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser



## DEPARTMENT OF REVENUE

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130.410 Cost of Doing Business Not Deductible  
 130.415 Transportation and Delivery Charges  
 130.420 Finance or Interest Charges--Penalties--Discounts  
 130.425 Traded-In Property  
 130.430 Deposit or Prepayment on Purchase Price  
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax  
 130.440 Penalties  
 130.445 Federal Taxes  
 130.450 Installation, Alteration and Special Service Charges  
 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section  
 130.501 Monthly Tax Returns--When Due--Contents  
 130.502 Quarterly Tax Returns  
 130.505 Returns and How to Prepare  
 130.510 Annual Tax Returns  
 130.515 First Return  
 130.520 Final Returns When Business is Discontinued  
 130.525 Who May Sign Returns  
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations  
 130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances  
 130.540 Returns on a Transaction by Transaction Basis  
 130.545 Registrants Must File a Return for Every Return Period  
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances  
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel  
 130.555 Vending Machine Information Returns  
 130.560 Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section  
 130.601 Preliminary Comments  
 130.605 Sales of Property Originating in Illinois  
 130.610 Sales of Property Originating in Other States

## SUBPART G: CERTIFICATE OF REGISTRATION

Section  
 130.701 General Information on Obtaining a Certificate of Registration  
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements  
 130.710 Procedure When Security Must be Forfeited  
 130.715 Sub-Certificates of Registration

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130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances  
 130.725 Display  
 130.730 Replacement of Certificate  
 130.735 Certificate Not Transferable  
 130.740 Certificate Required For Mobile Vending Units  
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section  
 130.801 General Requirements  
 130.805 What Records Constitute Minimum Requirement  
 130.810 Records Required to Support Deductions  
 130.815 Preservation and Retention of Records  
 130.820 Preservation of Books During Pendency of Assessment Proceedings  
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section  
 130.901 Civil Penalties  
 130.905 Interest  
 130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section  
 130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section  
 130.1101 Definition of Federal Area  
 130.1105 When Deliveries on Federal Areas Are Taxable  
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section  
 130.1201 General Information  
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

When Lessee of Premises Must File Return for Leased Department  
 When Lessor of Premises Should File Return for Leased Department  
 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Seller's Responsibility to Determine the Character of the Sale at  
 the Time of the Sale  
 Seller's Responsibility to Obtain Certificates of Resale and  
 Requirements for Certificates of Resale  
 Requirements for Certificates of Resale (Repealed)  
 Resale Number--When Required and How Obtained  
 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Claims for Credit--Limitations--Procedure  
 Disposition of Credit Memoranda by Holders Thereof  
 Refunds  
 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON  
SELLING OUT OR DISCONTINUING BUSINESS

When Returns are Required After a Business is Discontinued  
 When Returns Are Not Required After Discontinuation of a Business  
 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

When Powers of Attorney May be Given  
 Filing of Power of Attorney With Department  
 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

Addition Agents to Plating Baths  
 Agricultural Producers

## DEPARTMENT OF REVENUE

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Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage  
 Stamps and Like Articles  
 Auctioneers and Agents  
 Barbers and Beauty Shop Operators  
 Blacksmiths  
 Chiropodists, Osteopaths and Chiropactors  
 Computer Software  
 Construction Contractors and Real Estate Developers  
 Co-operative Associations  
 Dentists  
 Enterprise Zones  
 Sales of Building Materials to a High Impact Business  
 Farm Chemicals  
 Finance Companies and Other Lending Agencies - Installment Contracts  
 - Repossessions  
 Florists and Nurserymen  
 Hatcheries  
 Operators of Games of Chance and Their Suppliers  
 Optometrists and Opticians  
 Pawnbrokers  
 Peddlers, Hawkers and Itinerant Vendors  
 Personalizing Tangible Personal Property  
 Persons Engaged in the Printing, Graphic Arts or Related  
 Occupations, and Their Suppliers  
 Persons Engaged in Nonprofit Service Enterprises and in Similar  
 Enterprises Operated As Businesses, and Suppliers of Such Persons  
 Sales by Teacher-Sponsored Student Organizations  
 Exemption Identification Numbers  
 Sales by Nonprofit Service Enterprises  
 Persons Who Rent or Lease the Use of Tangible Personal Property to  
 Others  
 Sales to Persons Who Lease Tangible Personal Property to Exempt  
 Hospitals  
 Sales to Persons Who Lease Tangible Personal Property to  
 Governmental Bodies  
 Persons Who Repair or Otherwise Service Tangible Personal Property  
 Physicians and Surgeons  
 Picture-Framers  
 Public Amusement Places  
 Registered Pharmacists and Druggists  
 Retailers of Clothing  
 Retailers on Premises of the Illinois State Fair, County Fairs, Art  
 Shows, Flea Markets and the Like  
 Sales and Gifts By Employers to Employees  
 Sales by Governmental Bodies  
 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products  
 Sales of Automobiles for Use In Demonstration  
 Sales of Containers, Wrapping and Packing Materials and Related



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## NOTICE OF PROPOSED AMENDMENTS

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Products  
 Sales To Construction Contractors, Real Estate Developers and Speculative Builders  
 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel  
 Sales to or by Banks, Savings and Loan Associations and Credit Unions  
 Sales to Railroad Companies  
 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles  
 Sellers of Feeds and Breeding Livestock  
 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers  
 Sellers of Seeds and Fertilizer  
 Sellers of Machinery, Tools and the Like  
 Suppliers of Persons Engaged in Service Occupations and Professions  
 Trading Stamps and Discount Coupons  
 Undertakers and Funeral Directors  
 Vending Machines  
 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order  
 Vendors of Meals  
 Vendors of Memorial Stones and Monuments  
 Vendors of Signs  
 Vendors of Steam  
 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.  
 Veterinarians  
 Warehousemen  
 130.2075  
 130.2080  
 130.2085  
 130.2090  
 130.2095  
 130.2100  
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 130.2110  
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 130.2170  
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062,

effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 18866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART S: SPECIFIC APPLICATIONS

## Section 130.1945 Co-operative Associations

## a) In General

1) A co-operative association consists of a group of persons, whether incorporated or not, organized for the purpose of purchasing or producing, and selling to shareholders, members or others, such items as groceries, provisions or other articles of merchandise, for cash or otherwise, at retail, at such reasonable prices over the cost thereof as will enable the shareholders or members of such association to obtain or to dispose of such commodities at the smallest practicable rate of cost.

2) Such co-operative associations are association--is deemed to

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

operate for pecuniary profit, ~~and is not engaged in a service occupation. Their receipts from all retail sales of tangible personal property are subject to the Retailers' Occupation Tax.~~

## b) Agricultural Co-operative Associations

1) Agricultural Co-operative Associations, organized under the Agricultural Co-operative Act [805 ILCS 315], ~~which--Rev--Stat-1979--ch--32--para--440--et--seq-- although deemed nonprofit organizations, nevertheless engage in the business of marketing and selling agricultural products for the purpose of making a profit for the payment of dividends on shares held by members who are producers. Their receipts from all retail sales of tangible personal property are subject to Retailers' Occupation Tax.~~

2) When Agricultural Co-operative Associations engage in rendering services (for example, applying farm chemicals), they are subject to the Service Occupation Tax. ~~they are not engaged primarily in rendering service--Hence, their receipts from all retail sales are subject to the Retailers' Occupation Tax.~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Certificate of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number 1010.190 Proposed Action New Section
- 4) Statutory Authority: Implementing Chapter 3, and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/3 and 2-104(b)].

5) A Complete Description of the Subjects and Issues Involved: Clarifies existing procedures with respect to issuing title and registration without standard ownership documents by using a bond.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Carol Sudman, Assistant Counsel  
298 Howlett Building  
Springfield, Illinois 62756  
217/785-3094

12) Initial Regulatory Flexibility Analysis:

A) This rule will not affect any business, not for profit entity, or unit of government.

B) No additional reporting requirements are imposed.

C) No professional skills are relevant to this rulemaking.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the proposed amendments is as follows:



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1010

## CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

## SUBPART A: DEFINITIONS

Section  
1010.10  
1010.20

Owner--Application of Term  
Secretary and Department

## SUBPART B: TITLES

Section  
1010.110

Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate  
Salvage Certificate--Assignments and Reassignments  
Exclusiveness of Lien on Certificate of Title  
Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards  
Transferring Certificates of Title Upon the Owner's Death  
Repossession of Vehicles by Lienholders and Creditors  
Junking Notification  
Specially Constructed Vehicles - Defined  
Specially Constructed Vehicles - Required Documentation for Title and Registration  
Issuance of Title and Registration Without Standard Ownership Document - Bond

1010.190

## SUBPART C: REGISTRATION

Section  
1010.210  
1010.220  
1010.230  
1010.240  
1010.250

Application for Registration  
Vehicles Subject to Registration-Exceptions  
Refusing Registration or Certificate of Title  
Registration Plates To Be Furnished By The Secretary of State  
Applications For Reassignment

## SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section  
1010.300  
1010.310  
1010.320

Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration  
Improper Use of Evidence of Registration  
Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

1010.330 Operation of Vehicle Without Proper Illinois Registration  
1010.350 Suspension or Revocation  
1010.360 Surrender of Plates, Decals or Cards

## SUBPART E: SPECIAL PERMITS AND PLATES

Section

1010.410 Temporary Registration-Individual Transactions  
1010.420 Temporary Permit Pending Registration In Illinois  
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State  
1010.425 Non-Resident Drive-Away Permits  
1010.426 Five Day Permits  
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks  
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment  
1010.450 Special Plates  
1010.451 Purple Heart License Plates  
1010.452 Special Event License Plates  
1010.453 Retired Armed Forces Licenses Plates  
1010.454 Gold Star License Plates  
1010.455 Collectible License Plates  
1010.456 Sample License Plates For Motion Picture and Television Studios  
1010.457 Korean War Veteran License Plates  
1010.458 Collegiate License Plates  
Special Plates for Members of the United States Armed Forces Reserves  
1010.470 Dealer Plate Records  
1010.480 State of Illinois In-Transit Plates

## SUBPART F: FEES

Section

1010.510 Determination of Registration Fees  
1010.520 When Fees Returnable  
1010.530 Circuit Breaker Registration Discount  
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

## SUBPART G: MISCELLANEOUS

Section

1010.610 Unlawful Acts, Fines and Penalties  
1010.620 Change of Engine

## SUBPART H: SECOND DIVISION VEHICLES

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

Section 1010.705 Reciprocity  
 1010.710 Vehicle Proration  
 1010.715 Proration Fees  
 1010.720 Vehicle Apportionment  
 1010.725 Trip Leasing  
 1010.730 Intrastate Movements, Foreign Vehicles  
 1010.735 Interline Movements  
 1010.740 Trip and Short-term Permits  
 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)  
 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)  
 1010.755 Mileage Tax Plates  
 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates  
 1010.760 Transfer for "For-Hire" Loads  
 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles  
 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements  
 1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement  
 APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 9176, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill.

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Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: TITLES

## Section 1010.190 Issuance of Title and Registration Without Standard Ownership Documents - Bond

## a) Definitions

"Appraisal" means an affirmation statement of the current wholesale value of the vehicle by a disinterested person of suitable qualifications, such as a licensed new or used vehicle dealer (including motorcycle, mobile home, and trailer dealers), a licensed rebuilder (for salvage and junk vehicles only), a licensed real estate agent (for mobile homes only), or an officer of an antique vehicle club or association (for antique vehicles only).

"Cash bond" means a bond executed by the applicant for vehicle ownership and accompanied by the deposit of cash in the form of currency, cashier's check, money order, or bank certificate of deposit made payable to the State Treasurer.

"Surety bond" means a bond executed by the applicant for vehicle ownership and a person/firm authorized to conduct a surety business in Illinois which obligates the guarantor to pay a third party upon default by the applicant in the performance of any duty the applicant owes to any third party.

"Wholesale value" means the trade-in value of a vehicle or the value of a vehicle sold between licensed dealers and not at retail.

## b) Statement of Policy

Section 5/3-109 of the Illinois Vehicle Code provides that, in the absence of standard ownership documents, the Secretary of State may as a condition of issuing a certificate of title require the applicant to file a bond in the form prescribed by the Secretary of State and executed by the applicant and either accompanied by the deposit of cash or also executed by a person/firm authorized to conduct a surety business in Illinois. The bond shall be in the amount equal to 1 1/2



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times the current wholesale value of the vehicle and conditioned to indemnify the Secretary of State and any prior owner or lienholder and any subsequent purchaser of the vehicle, or person acquiring any security interest in the vehicle, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of a certificate of title for the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability to all persons shall not exceed the amount of the bond. At the applicant's request, the bond and any deposit accompanying it shall be returned at the expiration of 3 calendar years from the date of filing, or prior thereto if the vehicle is no longer registered in this State, and the currently valid certificate of title is surrendered to the Secretary of State, unless the Secretary of State has been notified of the pendency of an action to recover on the bond.

c) Documents Required to be Submitted to the Secretary of State Prior to Issuance of Title/Registration Without Standard Ownership Documents

1) Evidence of the right of the applicant to acquire title, such as a bill of sale, receipt, or canceled check. If such evidence is not available, an affirmation statement detailing the circumstances under which the vehicle was acquired without title is required.

2) An appraisal of the current wholesale value of the vehicle from a licensed new or used vehicle dealer (including motorcycle, mobile home, and trailer dealers); a licensed rebuilder (for salvage or junk vehicles only); a licensed real estate agent (for mobile homes only); or an officer of an antique vehicle club or association (for antique vehicles only). The appraisal should be an affirmation statement and should contain a complete description of the vehicle (year, make, model, and vehicle identification number); the current wholesale value; a statement that the vehicle is intact and that all major component parts are present; a statement that the appraisal value is accurate to the best of the appraiser's knowledge and that the affirmation is made under penalties of perjury; the signature and printed name of the appraiser; the firm name, address, and dealer license number; and the date of the appraisal. (A suggested Affirmation of Appraisal form follows.)

The appraisal can also be obtained from a used vehicle price guide, supported by copies of the front cover and pertinent pages of the guide.

## AFFIRMATION OF APPRAISAL

The undersigned hereby affirms that the value of the vehicle described

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below is \$\_\_\_\_\_ and that the vehicle is intact and all major component parts are present.

Year	Make	Model	Vehicle Identification Number
------	------	-------	-------------------------------

I affirm, under penalties of perjury, that the foregoing statement is accurate to the best of my knowledge.

Firm Name	Signature of Appraiser
-----------	------------------------

Address	Printed Name of Appraiser
---------	---------------------------

Dealer License Number	Date of Appraisal
-----------------------	-------------------

3) A surety bond or cash bond executed in the form prescribed by the Secretary of State in an amount equal to 1 1/2 times the appraised value of the vehicle.

4) A completed application for certificate of title/registration accompanied by a fee of \$13 for issuance of title, and if license plates are desired, proper registration fee according to the appropriate schedule.

5) A completed Vehicle Use Tax Return and tax payment, if applicable.

## d) Miscellaneous

1) If the title records of the Secretary of State reflect a lien, a lien release from the lienholder must accompany the transaction.

2) If the title record is a Salvage Certificate or Junking Certificate, a bond will not be accepted to issue a clean certificate of title.

3) A bond will not be accepted to issue title on an abandoned vehicle, a vehicle subject to a mechanic's lien, or a repossessed vehicle.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers: Adopted Action  
1501.302 Amendment  
1501.501 Amendment  
1501.521 New
- 4) Statutory Authority: 110 ILCS 805/3-25.1 and 805/2-16.02.
- 5) Effective Date of Amendments: January 12, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do the Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 17, 1997
- 9) Notice of Proposal Published in Illinois Register: May 16, 1997, 21 Ill. Reg. 5968.
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version: Several minor formatting changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will the Amendment replace an emergency rule currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes, there are First Notice changes pending on 1501.114, 1501.201, 1501.308, 1501.501, 1501.510, and 1501.522.
- 15) Summary and Purpose of Amendment: The amendments to the ICCB rules regarding the transfer degrees were needed so that these programs meet the minimum requirements of the Illinois Articulation Initiative scheduled for implementation in 1998. The new ICCB rules regarding Technology Enhancement Grants were needed to administer grant funds to be used by community colleges for technology infrastructure improvements.
- 16) Information and questions regarding these adopted amendments shall be directed to:

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENTS

Jill A. O'Shea  
Director for Governmental Relations  
Illinois Community College Board  
401 East Capitol Avenue  
Springfield, Illinois 62701-1711  
(217) 785-0213

The full text of the Adopted Amendments begins on the next page:

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## ILLINOIS COMMUNITY COLLEGE BOARD

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## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

## PART 1501

## ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

## SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

## SUBPART E: FINANCE

## Section

1501.101 Definition of Terms

1501.102 Advisory Groups

1501.103 Rule Adoption (Recodified)

1501.104 Manuals

1501.105 Advisory Opinions

1501.106 Executive Director

1501.107 Information Request (Recodified)

1501.108 Organization of ICCB (Recodified)

1501.109 Appearance at ICCB Meetings

1501.110 Appeal Procedure

1501.111 Reporting Requirements (Repealed)

1501.112 Certification of Organization (Repealed)

1501.113 Administration of Detachments and Subsequent Annexations

1501.114 Recognition

## SUBPART B: LOCAL DISTRICT ADMINISTRATION

## Section

1501.201 Reporting Requirements

1501.202 Certification of Organization

1501.203 Delineation of Responsibilities

1501.204 Maintenance of Documents or Information

1501.205 Recognition Standards (Repealed)

## SUBPART C: PROGRAMS

## Section

1501.301 Definition of Terms

1501.302 Units of Instruction, Research, and Public Service

1501.303 Program Requirements

1501.304 Statewide and Regional Planning

1501.305 College, Branch, Campus, and Extension Centers

1501.306 State or Federal Institutions (Repealed)

1501.307 Cooperative Agreements and Contracts

1501.308 Reporting Requirements

1501.309 Course Classification and Applicability

## SUBPART D: STUDENTS

## Section

## Section

1501.401 Definition of Terms

1501.402 Admission of Students

1501.403 Student Services

1501.404 Academic Records

1501.405 Student Evaluation

1501.406 Reporting Requirements

## Section

1501.501 Definition of Terms

1501.502 Financial Planning

1501.503 Audits

1501.504 Budgets

1501.505 Nonresident Student Tuition Calculations

1501.506 Published Financial Statements

1501.507 Credit Hour Grants

1501.508 Special Populations Grants

1501.509 Workforce Preparation Grants

1501.510 Reporting Requirements

1501.511 Chart of Accounts

1501.514 Business Assistance Grants (Repealed)

1501.515 Advanced Technology Equipment Grants

1501.516 Capital Renewal Grants

1501.517 Retirees Health Insurance Grants

1501.518 Uncollectible Debts

1501.519 Special Initiatives Grants

1501.520 Lincoln's Challenge Grants

1501.521 Technology Enhancement Grants

## SUBPART F: CAPITAL PROJECTS

## Section

1501.601 Definition of Terms

1501.602 Approval of Capital Projects

1501.603 State Funded Capital Projects

1501.604 Locally Funded Capital Projects

1501.605 Project Changes

1501.606 Progress Reports (Repealed)

1501.607 Reporting Requirements

1501.608 Approval of Projects in Section 3-20.3.01 of the Act

1501.609 Completion of Projects Under Section 3-20.3.01 of the Act

1501.610 Demolition of Facilities

## SUBPART G: STATE COMMUNITY COLLEGE



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENTS

## 1501.701 Definitions of Terms

1501.702 Applicability

1501.703 Recognition

1501.704 Programs

1501.705 Finance

1501.706 Personnel

1501.707 Facilities

## SUBPART H: PERSONNEL

## Section

1501.801 Definition of Terms

1501.802 Sabbatical Leaves

**AUTHORITY:** Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

**SOURCE:** Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14558, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENTS

April 22, 1997; amended at 22 Ill. Reg. 2005, effective JAN 12 1998.

## SUBPART C: PROGRAMS

## Section 1501.302 Units of Instruction, Research, and Public Service

- a) Approval of New Units of Instruction. Each proposed new unit of instruction shall be submitted to the ICCB for approval. The criteria for approval of new units of instruction, which also apply to existing programs offered by community colleges, are:
- 1) Mission and Objectives.

A) The objectives of the unit of instruction are consistent with the mission of the college as set forth in Section 1-2(e) of the Public Community College Act.

B) The objectives of the unit of instruction are consistent with what the title of the unit of instruction implies.

## 2) Academic Control.

A) The design, conduct, and evaluation of the unit of instruction are under the direct and continuous control of the college's established processes for academic planning and quality maintenance, and clear provision is made for ensuring a high level of academic performance of faculty and students.

B) The admission, course placement, and graduation requirements for the unit of instruction are consistent with the stated objectives of the unit of instruction and with Section 3-17 of the Act where applicable.

3) Curriculum. The content of the curriculum ensures that the objectives of the unit of instruction will be achieved.

A) The range of total number of credit hours required for completion of an associate degree curriculum shall be within the following parameters:

- i) For the Associate in Arts degree and the Associate in Science degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent;
- ii) For the Associate in Fine Arts and the Associate in Engineering Science degree, a total requirement of not less than 60 semester credit hours nor more than 68 semester credit hours or the quarter credit hour equivalent;
- iii) For the Associate in Applied Science degree, a total requirement of not less than 60 credit hours nor more than 72 semester credit hours or the quarter credit hour equivalent, except in such occupational fields in which accreditation or licensure by a state or national organization requires additional coursework;

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF ADOPTED AMENDMENTS

and

- iv) For the Associate in General Studies degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent.

- B) Each associate degree curriculum shall include a specific general education component consisting of coursework in communication, arts and humanities, social and behavioral sciences, and mathematics and science within the following parameters:

- i) For the Associate in Arts degree and the Associate in Science degree, the general education component required will represent at least 3738 semester credit hours or the quarter hour equivalent for completion;

- ii) For the Associate in Fine Arts degree ~~and--the Associate-in-Engineering-Science-degree~~, the general education component required will represent at least 2597 semester credit hours or the quarter hour equivalent for completion;

- iii) For the Associate in Engineering Science degree, the general education component required will represent at least 19 semester credit hours or the quarter hour equivalent for completion;

- iv) ~~For the Associate in Applied Science degree~~, the general education component required will represent at least 15 semester credit hour or the quarter hour equivalent for completion; and

- v) For the Associate in General Studies degree, the general education component required will represent no less than 20 semester credit hours or the quarter hour equivalent for completion.

4) Faculty and Staff.

- A) The academic preparation and experience of faculty and staff ensure that students receive education consistent with the objectives of the unit of instruction.

- B) The involvement of faculty in the unit of instruction is sufficient to cover the various fields of knowledge encompassed by the curriculum, to sustain scholarship appropriate to the unit of instruction, and to ensure curriculum continuity.

- C) Support personnel, including counselors, administrators, clinical supervisors, and technical staff, have the educational background and experience necessary to carry out their assigned responsibilities.

5) Support Services.

- A) Facilities, equipment, and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computation equipment) necessary to provide quality

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instruction will be available and maintained.

- B) Library holdings and acquisitions necessary to support quality instruction and scholarship are available, accessible, and maintained.

- C) Provision is made for the guidance and counseling of students, the evaluation of student performance, the continuous monitoring of progress of students toward their degree or certificate objectives, the placement of completers of the unit of instruction, and appropriate academic record keeping.

6) Financing.

- A) The financial commitments to support the unit of instruction are sufficient to ensure that the stated objectives can be attained and that the faculty, staff, and support services necessary to offer the unit of instruction can be acquired and maintained.

- B) Projections of revenues necessary to support the unit of instruction are based upon supportable estimates of general revenue, student tuition and fees, private gifts, and/or governmental grants and contracts.

7) Public Information.

- The information that the college provides to students and the public accurately describes: the unit of instruction offered; the objectives of the unit of instruction; length of the unit of instruction; residency requirements, if any; schedule of tuition, fees, and all other charges and expenses necessary for completion of the unit of instruction; cancellation and refund policies; and such other material facts concerning the college and the unit of instruction as are likely to affect the decision of the student to enroll.

8) Accreditation and Credentialing.

- A) Appropriate steps have been taken to ensure that accreditation of the proposed new unit of instruction will be granted in a reasonable period of time.

- B) The proposed new unit will provide the skills required to obtain individual credentialing (certification, licensure, registration) needed for entry into an occupation as specified in the objectives of the proposed new unit of instruction.

9) Program Needs and Priorities.

- A) The unit of instruction must be educationally and economically justified based on the educational priorities and needs of the citizens of Illinois and the college's district.

- B) The unit of instruction meets a need that is not currently met by units of instruction which are offered by other institutions in the district.

- b) Approval of New Administrative Units of Research or Public Service.

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An application for approval of each proposed new administrative unit of research or public service shall be submitted to the ICCB on forms provided by the ICCB. The criteria for approval of new administrative units of public service or research are:

- 1) The proposed new administrative unit shall be authorized by the board of trustees.
- 2) The objectives of the proposed new administrative unit are consistent with the mission of the college (see Section 1-2(e) of the Act).
- 3) The proposed new administrative unit shall meet a district's need to deliver a public service or research program which cannot be met through the district's current structure as indicated by an organizational chart.
- 4) The proposed new administrative unit shall administer at least one public service or research program.
- 5) The needs assessment demonstrates that the demand for the public service or research program to be administered by the proposed new unit shall be continuous for at least three years.
- 6) The district shall provide evidence that the resources for the facilities, equipment and materials, and staff necessary to provide a quality program or service shall be made available to the proposed new administrative unit.
- c) Withdrawal. An approved unit of instruction, public service, or research may be withdrawn by the college when it decides to suspend operation of the unit. The withdrawal request shall be reported on forms supplied by the ICCB.
- d) Reasonable and Moderate Extensions.

- 1) An approved unit of instruction, public service, or research may be modified by the college within the parameters listed in subsections subsection (d)(2) through (4). The college shall notify the ICCB of such extensions on forms provided by the ICCB.
- 2) Reasonable and moderate extensions of previously approved units of instruction include:

- A) The addition, modification, or withdrawal of courses within an approved unit of instruction which does not alter the objectives of the unit of instruction.
- B) A change in minimum credit hours for completion of an approved unit of instruction that does not affect the instructional level of the unit of instruction.
- C) A change in title of an approved unit of instruction that does not indicate a different objective of the unit than that previously approved.
- D) The creation of an option (major, concentration, or specialization) within an approved unit of instruction in which:
  - i) the option created is within the same general academic discipline or occupational field as the previously approved unit of instruction,

## ILLINOIS COMMUNITY COLLEGE BOARD

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- ii) the option created within a previously approved associate degree curriculum shares a common core of first-year courses with the previously approved unit of instruction, and
- iii) the option created does not substitute more than ~~fifteen~~ 15 semester credit hours of other courses for courses previously approved as part of an associate degree curriculum or cluster of closely related curricula, e.g., from the same four-digit CIP code or substitute more than ~~nine~~ 9 semester credit hours of other courses for courses previously approved as part of a certificate curriculum (or closely related cluster) of 30 semester credit hours or more.
- E) The creation of certificate curricula from previously approved associate degree curricula and certificate curricula, including closely related curricula; e.g., from the same four-digit CIP code, providing no more than ~~six~~ 6 semester credit hours are substituted for certificates of up to ~~thirty~~ 30 semester credit hours or no more than ~~nine~~ 9 credit hours are substituted in certificates of ~~thirty~~ 30 semester credit hours or more.
- 3) Reasonable and moderate extensions of previously approved units of research or public service include units with an annual operating expenditure from whatever source of less than \$250,000 or an annual operating expenditure from state appropriations of less than \$50,000.
- 4) Reasonable and moderate extensions of previously approved units of administration include any administrative reorganization of a college.
- e) Approval in a Multi-College District. Approval of new units of instruction, research, or public service in a multi-college district will be for a specific college. Transfer of a unit to, or duplication of a unit by, other colleges within the district constitutes a new unit requiring approval by the ICCB. However, up to ~~nine~~ 9 hours of a program approved at one college may be offered by any other college in the district at the option of the Board.
- f) When a college no longer offers an approved unit of instruction to additional new students, that unit of instruction shall be reported to the ICCB and shall be removed from the college catalog and other documents advertising the program offerings to the public.
  - 1) An inactive unit of instruction shall be maintained on the ICCB Curriculum Inventory File with the date that it became inactive for a period of at least ten years. The effective date that a unit of instruction becomes inactive shall be determined by the college.
  - 2) A unit of instruction that has been inactive for less than three years may be reactivated by the college once it has completed the following:



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- A) Obtained approval to reactivate the program from its chief executive administrator.
- B) Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate.
- C) Submitted a notification to the ICCB.
- 3) A unit of instruction that has been inactive for three to ten years may be reactivated by the Executive Director of the ICCB if the college has completed the following:
- A) Obtained approval to reactivate the program from its chief executive administrator.
- B) Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate.
- C) Demonstrated through local surveys or state labor market data that the labor market demand and supply shows a need for graduates of the program.
- D) Conducted a review of the program with representatives from business and industry including on-site visits and advice regarding current technologies and equipment.
- E) Demonstrated, in accordance with subsections (a)(5) and (a)(6) of this Section and Section 1501.510, that the college has adequate facilities, equipment and financial resource to offer a quality program.
- F) Demonstrated, in accordance with Section 1501.303(f), that the college has available qualified faculty to provide the instruction for the program.
- G) Submitted a request for the reactivation to the ICCB.
- 4) A unit of instruction that has been inactive for over ten years may be reactivated by following the new unit approval process described in subsection (a) of this Section.
- g) Discontinuation of Programs. The ICCB may discontinue programs which fail to reflect the education needs of the area being served as follows:
- 1) Programs that do not meet standards of need, quality, and cost effectiveness may be discontinued by the ICCB. This determination shall be made based on review and collective findings of information available to the ICCB through ICCB and IBHE program review, evaluation, and productivity processes; the ICCB Management Information System; and other sources of pertinent information on the following criteria:
    - A) Program need, including educational priorities of the district, accessibility, credit hours generated, enrollments, completions, and labor market supply and demand.
    - B) Program quality, including job placement or education continuation, program content, academic control, faculty qualifications, and accreditation and credentialing.

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- C) Program costs, including adequacy of financial support and unit costs.
- 2) The ICCB will utilize special state-level analyses to identify programs that appear to be of questionable need, cost, or quality based on state data. Programs identified through state-level analysis will be referred to the colleges to enable them to evaluate the programs in detail in their normal process and to obtain the results and comments from the local level.
- 3) The ICCB will notify college districts of programs being considered for discontinuation and shall grant the district 60 days to respond to concerns regarding the program in question prior to action by the Board. This information shall be taken into account in determining if a program should be discontinued by the ICCB.
- 4) Once a program is discontinued by the ICCB and the appeal process is concluded, the college must inactivate the program by not enrolling any additional new students and develop a plan for an orderly discontinuation of the program for students currently enrolled. Programs discontinued by the ICCB may be reestablished by obtaining approval as a new unit of instruction under subsection (a) of this Section.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective  
JAN 12 1998)

## SUBPART E: FINANCE

## Section 1501.501 Definition of Terms

Advanced Technology Equipment Grant. The advanced technology equipment grant provides state funds to Illinois public community colleges for the procurement of equipment necessary to upgrade curricula impacted by technological changes. (See Section 2-16 of the Act.)

Annual Financial Statement. The "annual financial statement," which is required to be published by a district, consists of two parts:

- an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and
- an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

Attendance at Mid-Term. A student is "in attendance at mid-term" in a course if the student is currently enrolled in and actively pursuing

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completion of the course.

Auditor. An auditor is a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records prior to the end-of-registration date of the college for that particular term.

Business Assistance Centers and Workforce Preparation Offices. Business assistance centers and workforce preparation offices are entities at community colleges that conduct, coordinate, and assist with workforce preparation activities.

Capital Renewal Grants. Capital renewal grants are state grants allocated proportionally to each community college district based on the latest fall on-campus nonresidential gross square feet of facilities as certified by the ICCB. Such grants are to be utilized for miscellaneous capital improvements such as rehabilitation, remodeling, improvement, and repair; architect/engineer services; supplies, fixed equipment, and materials; and all other expenses required to complete the work.

Lincoln's Challenge Scholarship Grants. The Lincoln's Challenge Program is administered by the Illinois Department of Military Affairs. Upon successful completion of that program, students qualify for a scholarship to a community college. The Lincoln's Challenge Scholarship Grant is a special appropriation received by the ICCB from the Governor and the General Assembly. These scholarships provide an opportunity for graduates of Lincoln's Challenge to transition easily into higher education by attending one of the 49 public community colleges in the State. The scholarship grants can be used to cover the cost of education that includes tuition, books, fees and required educational supplies.

Residency - Applicability-Verification of Status. As part of verification that its credit hours are eligible to receive ICCB grants, each community college district shall adopt a process for verifying the residency status of its students and shall file a description of this process with the ICCB by July 1, 1990. The process shall include the methods for verifying residency as defined in the general provisions, special state provisions, and district provisions of this subsection. Each district shall file descriptions of any revisions to its process with the ICCB prior to their implementation.

Residency - General Provisions. The following provisions apply both to state and district residency definitions:

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To be classified as a resident of the State of Illinois or of the community college district, each student shall have occupied a dwelling within the state or district for at least 30 days immediately prior to the date established by the district for classes to begin.

The district shall maintain documentation verifying state or district residency of students.

Students occupying a dwelling in the state or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.

Students who move from outside the state or district and who obtain residence in the state or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate through documentation a verifiable interest in establishing permanent residency.

Residency - District Provisions. Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:

federal job corps workers stationed in the district;

inmates of state or federal correctional/rehabilitation institutions located in the district;

full-time students attending a postsecondary educational institution in the district who have not demonstrated through documentation a verifiable interest in establishing permanent residency; and

students attending under the provisions of a chargeback or contractual agreement with another community college.

Residency - Special State Provisions. Students shall be classified as residents of the state without meeting the general 30-day residency provision if they are:

federal job corps workers stationed in Illinois;

members of the armed services stationed in Illinois;

inmates of state correctional/rehabilitation institutions located in Illinois; or

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employed full time in Illinois.

Special Initiatives Grants. Special initiatives grants provide funds for conducting special initiatives activities.

Special Initiatives Activities. Special initiatives activities are based upon criteria as specified in the special initiatives contract which is executed each year with each district. As special initiatives change, the scope of activities specified in the contracts will also change.

Special Populations Grant. A "special populations grant" provides funding for:

Special or extra services to assist special populations students to initiate, continue, or resume their education, including tutoring, educational and career counseling, referrals to external agencies, and testing/evaluation to determine courses or services needed by a special populations student.

Courses (not funded through credit hour grants) to provide the academic skills necessary to remedy or correct educational deficiencies to allow the attainment of educational goals, including remedial, adult basic education, adult secondary education, and English as a Second Language courses.

Special Populations Student. A "special populations student" is a student with a social, physical, developmental, or academic disability that makes it difficult for such a student to adapt to a college environment designed for the nonspecial populations student. This may include students from minority racial/ethnic groups. Colleges shall designate which of their students are special populations as determined by teacher and counselor evaluations and various standardized tests selected by the colleges.

Technology Enhancement Grants. Technology enhancement grants provide state funds for technology infrastructure improvements. Grants shall be distributed to community colleges based upon midterm semester or equivalent credit hours.

Workforce Preparation Activities. Workforce preparation activities create or retain jobs and increase employment opportunities.

Workforce Preparation Grants. Workforce preparation grants provide funds for conducting workforce preparation activities.

(Source: Amended 22 Ill. Reg. 208.000, effective  
JAN 12 1998)

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## Section 1501.521 Technology Enhancement Grants

- a) Requests for technology enhancement grants shall be submitted in a format prescribed by the ICCB.
- b) Eligibility for technology enhancement grants shall include the local district board of trustees' approval of the project and certification of the availability of a 25 percent contribution to the total project cost.
- c) Funds received from this grant shall be accounted for in the Operations, Building, and Maintenance Fund (Restricted) (see Section 1501.511(a)(7)).
- d) Other sources of funding may be added to technology enhancement grant funds to finance larger projects.
- e) Grant funds shall only be used in facilities owned by the district.
- f) Allowable expenditures of funds, as submitted in the grant application, will be specified in a grant agreement executed with each Illinois public community college district eligible to receive the technology enhancement grant funds.
- g) Technology enhancement grant funds shall be expended within the grant period as specified in the grant agreement and pursuant to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705].
- h) Technology enhancement grant funds not used in accordance with this Section regardless of the amount shall be returned to the ICCB within six months after receipt of the external audit report by the ICCB or other identification of improper expenditures subsequently verified by the ICCB.
- i) Each community college district receiving grant funds shall file a report with the ICCB in a format prescribed by the ICCB, or in accordance with the terms of the grant agreement, detailing how the funds were utilized. The due dates of the reports shall be specified in the grant agreement.
- j) Authority to approve technology enhancement grant requests is delegated to the ICCB Executive Director. His/her decision shall be based upon submission of a complete application and release of funds by the Bureau of the Budget.
- k) Projects shall be designed and constructed to meet all applicable facility codes as specified in Section 1501.603(f).

(Source: Added at 22 Ill. Reg. 208.000, effective  
JAN 12 1998)



## DEPARTMENT OF INSURANCE

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED REPEALER

## NOTICE OF ADOPTED REPEALER

1) Heading of Part: Small Employer Carrier Actuarial Certification and Documentation Requirements

directed to:

2) Code Citation: 50 Ill. Adm. Code 5100

3) Section Number: Adopted Action:

5100.10 Repealed

5100.20 Repealed

5100.30 Repealed

5100.40 Repealed

5100.50 Repealed

Lynn Shanklin  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 785-0260 62767-0001

4) Statutory Authority: Implementing and authorized by the Small Employer Rating, Renewability and Portability Health Insurance Act (215 ILCS 95/1 et seq.).

5) Effective Date of Repealer: January 13, 1998

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) Date filed in Agency's Principal Office: January 13, 1998

9) Notice of Proposal Published in Illinois Register:

March 1, 1996, 20 Ill. Reg. 12072

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Difference(s) between proposal and final version: The were no differences between the proposal and the final version.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Rule repealer replace an emergency rule currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: Sections 25, 30, 35, 40, 45 and 50 of the Small Employer Rating, Renewability and Portability Health Insurance Act have ben repealed by P.A. 90-0030 effective July 1, 1997. As a result, the Department is repealing Part 5100 which specifically implements Section 45 of the Small Employer Rating, Renewability and Portability Health Insurance Act which is now repealed.

16) Information and questions regarding this adopted repealer shall be

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## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Traditional Long-Term Care Insurance

2) Code Citation: 50 Ill. Adm. Code 2012

3) Section Number: Adopted Action:

2012.10 Amended

2012.40 Amended

2012.50 Amended

2012.60 Amended

2012.90 Amended

2012.100 Amended

2012.123 New Section

2012.127 New Section

2012.128 New Section

2012.Exhibit A Amended

2012.Exhibit B Amended

2012.Exhibit C Amended

2012.Exhibit D Amended

2012.Exhibit F New Section

2012.Exhibit G New Section

2012.Exhibit H New Section

4) Statutory Authority: Implementing and authorized by Section 351A-11 of the Illinois Insurance Code [215 ILCS 5/351A-11].

5) Effective Date of Amendments: January 6, 1998

6) Does this rule contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in Agency's Principal Office: January 6, 1998

9) Notice of Proposal Published in Illinois Register: August 15, 1997, 21 Ill. Reg. 11380

10) Has JCAR issued a Statement of Objections to this rule? No

11) Difference(s) between proposal and final version:

a) In the main authority note, delete "(1996)".

b) In Section 2012.60, delete "(1996)".

c) In Section 2012.100, delete "(1996)".

d) In Section 2012.127(d), lines 652-654 delete "On, or after the effective date of this Section. For certificates issued on or after

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the effective date of this Section."; add a period after "State" and capitalize "under".

e) In Section 2012.128(g)(1), delete "on or after the effective date of this amendment".

f) In Section 2012.128(g)(2), delete "on or after the effective date of this Section".

g) In Section 2012.128(g)(2), delete "that were in force at the time this amendment becomes effective".

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: The Department amended Part 2012 in order to make it consistent with the latest NAIC model regulation.

16) Information and questions regarding this adopted rule shall be directed to:

Linda Fritz  
Department of Insurance  
320 West Washington  
Springfield, IL 62767-0001  
(217)785-7350

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 50: INSURANCE

## CHAPTER I: DEPARTMENT OF INSURANCE

## SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

## PART 2012

## TRADITIONAL LONG-TERM CARE INSURANCE

Section	Purpose
2012.10	Applicability and Scope
2012.20	Definitions
2012.30	Policy Definitions
2012.40	Policy Practices and Provisions
2012.50	Unintentional Lapse
2012.55	Required Disclosure Provisions
2012.60	Prohibition Against Post Claims Underwriting
2012.65	Minimum Standards for Home Health and Community Care
2012.70	Long-Term Care Insurance Policies
2012.80	Requirements for Application Protection
2012.90	Requirements for Application Forms and Replacement Coverage
2012.95	Reporting Requirements
2012.100	Filing Requirement
2012.110	Loss Ratio
2012.115	Filing Requirements for Advertising
2012.120	Reserve Standards
2012.122	Standards for Marketing
2012.123	Suitability
2012.124	Appropriateness of Recommended Purchase
2012.126	Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates
2012.127	Requirement to Offer Nonforfeiture Benefit
2012.128	Standards for Benefit Triggers
2012.130	Standard Format Outline of Coverage Requirements
2012.140	Requirement to Deliver Shopper's Guide
2012.150	Penalties
EXHIBIT A	Replacement Notice for Other Than Direct Response Solicitations
EXHIBIT B	Replacement Notice for Direct Response Solicitations
EXHIBIT C	Standard Format Outline of Coverage
EXHIBIT D	Rescission Reporting Format
EXHIBIT E	Class of Insurance - Accident and Health
EXHIBIT F	Traditional Long-Term Care Insurance Personal Worksheet
EXHIBIT G	Things You Should Know Before You Buy Traditional Long-Term Care Insurance
EXHIBIT H	Long-Term Care Insurance Suitability Letter

**AUTHORITY:** Implementing and authorized by Section 351A-11 of the Illinois Insurance Code [215 ILCS 5/351A-11].

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**SOURCE:** Adopted at 14 Ill. Reg. 10345, effective June 15, 1990; amended at 18 Ill. Reg. 2238, effective February 1, 1994; amended at 19 Ill. Reg. 2832, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 8403, effective June 13, 1995, to expire September 1, 1995; amended at 19 Ill. Reg. 14421, effective October 3, 1995; amended at 22 Ill. Reg. 2111, effective JAN 06 1998.

## Section 2012.10 Purpose

The purpose of this Part is to implement Article XIXA of the Illinois Insurance Code, to promote the public interest, to promote the availability of long-term care insurance coverage, to protect applicants for traditional long-term care insurance from unfair or deceptive sales or enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages and to facilitate flexibility and innovation in the development of long-term care insurance.

(Source: Amended at 22 Ill. Reg. 2111, effective JAN 06 1998)

## Section 2012.40 Policy Definitions

No insurance policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a traditional long-term care policy unless the policy or subscriber contract contains definitions or terms that are more restrictive than the requirements of this Section.

"Activities of Daily Living" means at least bathing, continence, dressing, eating, toileting and transferring.

"Acute Condition" means a condition that causes the individual to be medically unstable. Such individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his or her health status.

"Adult Day Care" means a program for six (6) or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the home.

All providers of services, including but not limited to skilled nursing facility, intermediate care facility, convalescent nursing home, personal care facility, and home care agency shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified.



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"Bathing" means washing oneself by sponge bath, or in either a tub or shower, including the task of getting into or out of the tub or shower.

"Cognitive Impairment" means a deficiency in a person's short- or long-term memory, orientation as to person, place and time, deductive or abstract reasoning, or judgement as it relates to safety awareness.

"Continence" means the ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

"Dressing" means putting on and taking off all items of clothing and any necessary braces, fasteners or artificial limbs.

"Eating" means feeding oneself by getting food into the body from a receptacle (such as a plate, cup or table) or by a feeding tube or intravenously.

"Hands-on Assistance" means physical assistance (minimal, moderate or maximal) without which the individual would not be able to perform the activity of daily living.

"Home Health Care Services" means medical and nonmedical services provided to ill, disabled or informed persons in their residences. Examples of such services may include but are not limited to homemaker services, assistance with activities of daily living and respite care services.

"Medicare" means "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then Constituted or Later Amended", 42 U.S.C.A. Section 1395 et seq., including the "Medicare Catastrophic Coverage Act of 1988."

"Mental or Nervous Disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

"Personal Care" means the provision of hands-on services to assist an individual with activities of daily living, such as bathing, eating, dressing, transferring and toileting.

"Skilled Nursing Care", "Intermediate Care", "Personal Care", "Home Care", and other services shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.

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"Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.

"Transferring" means moving into or out of a bed, chair or wheelchair.

(Source: Amended at 22 Ill. Reg. 2110, effective JAN 06 1988)

## Section 2012.50 Policy Practices and Provisions

a) Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any group and individual direct response or individual traditional long-term care insurance policy or certificate without explanatory language in accordance with the disclosure requirements of Section 2012.70 of this Part.

1) No such policy or certificate issued to an individual shall contain renewal provisions less favorable to the insured than "guaranteed renewable."

2) The term "guaranteed renewable" may be used only when the insured has the right to continue the traditional long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

3) The term "noncancellable" may be used only when the insured has the right to continue the traditional long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to unilaterally make any change in any provision of the insurance or in the premium rate.

b) Limitations and Exclusions. No policy may be delivered or issued for delivery in this State as traditional long-term care insurance if such policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

- 1) Preexisting conditions or diseases;
- 2) Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease or senile dementia;
- 3) Alcoholism and drug addiction;
- 4) Illness, treatment or medical condition arising out of:
  - A) war or act of war (whether declared or undeclared);
  - B) participation in a felony, riot or insurrection;
  - C) service in the armed forces or units auxiliary thereto;
  - D) suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; or
  - E) aviation (this exclusion applies only to non-fare paying passengers);
- 5) Treatment provided in a government facility (unless otherwise

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required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

- 6) This subsection (b) is not intended to prohibit exclusions and limitations for payment of services provided outside the United States.

- c) Extension of Benefits. Termination of traditional long-term care insurance shall be without prejudice to any benefits payable for institutionalization if such institutionalization began while the traditional long-term care insurance was in force and continues without interruption after termination. Such extension of benefits beyond the period the traditional long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.

d)

- 1) Group traditional long-term care insurance issued in this State state on or after February 1, 1994 the--effective--date--of--this Section shall provide covered individuals with a basis for continuation or conversion of coverage.

- 2) For the purposes of this Section, "a basis for continuation of coverage" means a policy provision which maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. Group policies which restrict provision of benefits and services to, or contain incentives to use certain providers and/or facilities may provide continuation of benefits which are substantially equivalent to the benefits of the existing group policy. The Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

- 3) For the purposes of this Section, "a basis for conversion of coverage" means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced), for at least six months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy the individual is covered, without evidence of

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insurability.

- 4) For the purposes of this Section, "converted policy" means an individual policy of traditional long-term care insurance providing benefits identical to or substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts the provision of benefits and services, or contains incentives to use certain providers and/or facilities, the Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

- 5) Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than thirty-one days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be guaranteed renewable.

- 6) Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.

- 7) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

- A) Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or
- B) The terminating coverage is replaced not later than thirty-one days after termination, by group coverage effective on the day following the termination of coverage:
- i) Providing benefits identical to or benefits equivalent in design and actuarially equivalent in value in excess of those provided by the terminating coverage; and
- ii) The premium for which is calculated in a manner consistent with the requirements of subsection (d)(6) of this Section.

- 8) Notwithstanding any other provision of this Section, a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy which provides benefits on the basis of incurred expenses, may contain a

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provision which results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100 percent of incurred expenses. Such provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

- 9) The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.
- 10) Notwithstanding any other provision of this Section, any insured individual whose eligibility for group traditional long-term care coverage is based upon his or her relationship to another person, shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

- 11) For the purposes of this Section: a "Managed-Care Plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

## e) Discontinuance and Replacement

If a group traditional long-term care policy is replaced by another group traditional long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

- 1) Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and
  - 2) Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.
- f) The premiums charged to an insured for long-term care insurance shall not increase due to either:
- 1) The increasing age of the insured at ages beyond sixty-five (65); or
  - 2) The duration the insured has been covered under the policy.

## g) No traditional long-term care insurance policy shall:

- 1) be cancelled, nonrenewed or otherwise terminated on grounds of the age or deterioration of the mental or physical health of the insured individual or certificateholder;
- 2) contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured

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- 3) provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.

## h) Electronic Enrollment for Group Policies

1) In the case of a group defined in Section 2012.30 of this Part, any requirement that a signature of an insured be obtained by an insurance producer or insurer shall be deemed satisfied if:

- A) The consent is obtained by telephonic or electronic enrollment by the group policyholder or insurer. A verification of enrollment information shall be provided to the enrollee;
- B) The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure the accuracy, retention and prompt retrieval of records; and
- C) The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure that the confidentiality of individually identifiable information and privileged information is maintained.

- 2) Upon request of the Director the insurer shall make available records that will demonstrate the insurer's ability to confirm enrollment and coverage amounts.

(Source: Amended 22 Ill. Reg. 2105, effective JAN 06 1998)

## Section 2012.60 Required Disclosure Provisions

- a) Renewability. Individual traditional long-term care insurance policies shall contain a renewability provision. Such provision shall be captioned as a Renewal, shall appear on the first page of the policy, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and of which it may be renewed. This provision shall not apply to policies which do not contain a renewability provision and under which the right to renew is reserved solely to the policyholder.

- b) Riders and Endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual traditional long-term care insurance policy, all riders or endorsements added to an individual traditional long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with



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riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

- c) Payment of Benefits. A traditional long-term care insurance policy or certificate which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

- d) Preexisting Conditions: If a traditional long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled "Preexisting Condition Limitations." Limitations to preexisting conditions shall be in accordance with Section 351A-5 of the Illinois Insurance Code (~~44-Rev-Stat-1991, ch-73, par-963A-5~~) [215 ILCS 5/351A-5].

- e) Other Limitations or Conditions on Eligibility for Benefits. In addition to complying with Section 351A-6 of the Illinois Insurance Code, beginning August 30, 1990, a traditional long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in Section 351A-6 shall set forth a description of such limitations or conditions, including any required number of days of confinement in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

- f) Disclosure Requirements for Accelerated Life Products

1) Policy Summary

At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy which provides traditional long-term care benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make such delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

- A) an explanation of how the traditional long-term care benefit interacts with other components of the policy, including deductions from death benefits;
- B) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;
- C) any exclusion, reductions and limitations on benefits of traditional long-term care; and
- D) if applicable to the policy type, the summary shall also include:
  - i) disclosure of the effects of exercising other rights under the policy;
  - ii) disclosure of guarantees related to traditional

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long-term care costs of insurance charges; and  
 iii) current and projected maximum lifetime benefits.

2) Benefit Reports

Any time a traditional long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. Such report shall include:

- A) any traditional long-term care benefits paid during the month;
- B) an explanation of any changes in the policy, including changes in death benefits or cash values, due to traditional long-term care benefits being paid out; and
- C) the amount of traditional long-term care benefits existing or remaining.

3) Outline of Coverage

The Outline of Coverage should include an example filled out in John Doe form which illustrates how the long-term care benefit is calculated. Refer to Section 2012.110 and Exhibit C for format and content requirements.

- g) Benefit Triggers. Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits". Any additional benefit triggers shall also be explained in this paragraph. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

(Source: Amended at 22 Ill. Reg. 34, effective JAN 06 1998)

Section 2012.90 Requirements for Application Forms and Replacement Coverage

- a) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and insurance producer agent, except where the coverage is sold without an insurance producer agent, containing such questions may be used. With regard to a replacement policy issued to a group defined by Section 2012.30 of this Part the following questions may be modified only to the extent necessary to elicit information about health or long-term care insurance policies other than the group policy being replaced;

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provided, however, that the certificateholder has been notified of the replacement.

- 1) Do you have another long-term care insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?
- 2) Did you have another long-term care insurance policy or certificate in force during the last twelve (12) months?

A) If so, with which company?

B) If that policy lapsed, when did it lapse?

- 3) Are you covered by Medicaid?

- 4) Do you intend to replace any of your medical or health insurance coverage with this policy (certificate)?

b) Insurance producers **Agents** shall list any other health insurance policies they have sold to the applicant.

- 1) List policies sold which are still in force.

- 2) List policies sold in the past five (5) years which are no longer in force.

c) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its insurance producer **agent**, shall furnish the applicant, prior to issuance or delivery of the individual traditional long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be provided as **in the following manner** set forth in Exhibit A of this Part.

d) Direct Response Solicitations. Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be provided as set forth in Exhibit B of this Part.

e) Where replacement is intended, the replacing insurer shall provide written notice to the existing insurer of the proposed replacement. The existing policy shall be identified by the insurer, name and policy number or address including zip code. Notice shall be made within five (5) working days from the date the application is received by the insurer or the date the policy issued, whichever is sooner.

(Source: Amended JAN 06 1998 22 Ill. Reg. 2117, effective

## Section 2012.100 Filing Requirement

Prior to an insurer offering traditional group long-term care insurance to a resident of this State pursuant to Section 351A-2 of the Illinois Insurance Code (~~Ill-Rev-Stat-1991-ch-73-par-963A-2~~) [215 ILCS 5/351A-2], it shall file with the Director evidence that the group policy or certificate thereunder

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has been approved by a state that has adopted the National Association of Insurance Commissioners' model legislation on Long-Term Care Insurance and attendant regulations, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105 (1996) (no subsequent dates or editions).

(Source: Amended at 22 Ill. Reg. 2118, effective JAN 06 1998)

## Section 2012.123 Suitability

a) This Section shall not apply to life insurance policies that accelerate benefits for traditional long-term care.

b) Every insurer, health care service plan or other entity marketing traditional long-term care insurance (the "issuer") shall:

- 1) Develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the applicant;
- 2) Train its insurance producers in the use of its suitability standards; and
- 3) Maintain a copy of its suitability standards and make them available for inspection upon request by the Director.

c) To determine whether the applicant meets the standards developed by the issuer:

- 1) The insurance producer and issuer shall develop procedures that take the following into consideration:

A) The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage;

B) The applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs; and

C) The values, benefits and costs of the applicant's existing insurance, if any, when compared to the values, benefits and costs of the recommended purchase or replacement.

2) The issuer, and where an insurance producer is involved, the insurance producer shall make reasonable efforts to obtain the information referenced in subsection (c)(1) of this Section. The efforts shall include presentation to the applicant, at or prior to application, of the "Traditional Long-Term Care Insurance Personal Worksheet". The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in Exhibit F of this Part, in not less than twelve (12) point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer's personal worksheet shall be filed with the Director.

3) A completed personal worksheet shall be returned to the issuer prior to the issuer's consideration of the applicant for



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coverage, except the personal worksheet need not be returned for sales of employer traditional group long-term care insurance to employees and their spouses.

4) The sale or dissemination outside the company or agency by the issuer or insurance producer of information obtained through the personal worksheet in Exhibit F of this Part is prohibited.

d) The issuer shall use the suitability standards it has developed pursuant to this Section in determining whether issuing traditional long-term care insurance coverage to an applicant is appropriate.

e) Insurance producers shall use the suitability standards developed by the issuer in marketing traditional long-term care insurance.

f) At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled "Things You Should Know Before You Buy Traditional Long-Term Care Insurance" shall be provided. The form shall be in the format found in Exhibit G of this Part, in not less than twelve (12) point type.

g) If the issuer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the issuer may reject the application. In the alternative, the issuer shall send the applicant a suitability letter similar to the one found in Exhibit H of this Part. However, if the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant's intent. Either the applicant's returned letter or a record of the alternative method of verification shall be made part of the applicant's file.

h) The issuer shall report annually to the Director the total number of applications received from residents of this State, the number of those who declined to provide information on the personal worksheet, the number of applicants who did not meet the suitability standards, and the number of those who chose to confirm after receiving a suitability letter.

(Source: Added at 22 Ill. Reg. 2105, effective

JAN 06 1998)

## Section 2012.127 Requirement to Offer Nonforfeiture Benefit

a) No policy or certificate may be delivered or issued for delivery in this State unless the policy or certificate includes an offer at the time of issue for nonforfeiture benefits to the defaulting or lapsing policyholder or certificate holder. This Section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

1) For purposes of this Section, attained age rating is defined as a schedule of premiums starting from the issue date which increases with increasing age at least one percent per year prior to age fifty (50), and at least three percent per year beyond age fifty (50).

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2) For purposes of this Section, the offered nonforfeiture benefit shall be a shortened benefit period providing paid-up traditional long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in subsection (b)(3) of this Section.

3) The standard nonforfeiture credit for an offered nonforfeiture benefit will be equal to 100 percent of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options, as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than thirty (30) times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of subsection (c) of this Section.

4) No policy or certificate which includes a nonforfeiture benefit shall begin a nonforfeiture benefit later than the end of the third year following the policy or certificate issue date except that, for a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of:

- A) The end of the tenth year following the policy or certificate issue date; or
  - B) The end of the second year following the date the policy or certificate is no longer subject to attained age rating.
- 5) Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

b) All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid up status will not exceed the maximum benefits which would have been payable if the policy or certificate had remained in premium paying status.

c) There shall be no difference in the minimum nonforfeiture benefits which are offered under the requirements of this Section for group and individual policies.

d) Except as provided in subsection (b)(2) of this Section, the requirements of this Section apply to any traditional long-term care policy issued in this State. Under a group traditional long-term care insurance policy as defined in Section 2012.30 of this Part, which policy was in force at the time this Section becomes effective, the provisions of this Section shall not apply.

e) Premiums charged for a policy or certificate containing nonforfeiture benefits shall be subject to the loss ratio requirements of Section 2012.110 of this Part treating the policy as a whole.



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(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective  
JAN 06 1998)

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**Section 2012.128 Standards for Benefit Triggers**

- a) A traditional long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than three (3) of the activities of daily living or the presence of cognitive impairment.
- b) Insurers may use activities of daily living to trigger covered benefits as long as they are defined in the policy. Activities of daily living shall include but not be limited to the following, as defined in Section 2012.40 of this Part and in the policy:
- 1) Bathing;
  - 2) Continence;
  - 3) Dressing;
  - 4) Eating;
  - 5) Toileting; and
  - 6) Transferring.
- c) An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate; however, the provisions shall not restrict, and are not in lieu of, the requirements contained in subsections (a) and (b) of this Section.
- d) For purposes of this Section the determination of a deficiency shall not be more restrictive than:
- 1) Requiring the hands-on assistance of another person to perform the prescribed activities of daily living; or
  - 2) If the deficiency is due to the presence of a cognitive impairment, supervision or verbal cueing by another person is needed in order to protect the insured or others.
- e) Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses or social workers.
- f) Traditional long-term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.
- g) The requirements set forth in this Section shall apply as follows:
- 1) Except as provided in subsection (g)(2) of this Section, the provisions of this Section apply to a traditional long-term care policy issued in this State.
  - 2) For certificates issued under a traditional group long-term care insurance policy as defined in Section 2012.30 of this Part, the provisions of this Section shall not apply.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective  
JAN 06 1998)

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## Section 2012.EXHIBIT A Replacement Notice for Other Than Direct Response Solicitations

## NOTICE TO APPLICANT REGARDING REPLACEMENT OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance Company Name and Address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by [Company Name] Insurance Company. Your new policy provides ten (10) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you have, and terminate your policy only if, after due consideration, you find that purchase of this traditional long-term care coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT [BROKER OR OTHER REPRESENTATIVE]: (Use additional sheets as necessary)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.
32. If you are replacing existing long-term care insurance coverage you may wish to secure the advice of your present insurer or its insurance producer agent regarding the proposed replacement of your

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present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

49. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

(Signature of Insurance Producer, Broker or Other Representative Agent)  
[Type Name and Address of Insurance Producer or Other Representative of Agent or Broker]

The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

(Source: Amended at 22 Ill. Reg. 2, effective  
JAN 06 1998)

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**Section 2012. EXHIBIT B Replacement Notice for Direct Response Solicitations****NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE**

[Insurance Company's Name and Address]

**SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.**

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the traditional long-term care insurance policy delivered herewith issued by [Company Name] Insurance Company. Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this traditional long-term coverage is a wise decision.

1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probation periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

32. If you are replacing existing long-term care insurance coverage you may wish to secure the advice of your present insurer or its insurance producer agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

43. [To be included only if the application is attached to the policy.] If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the

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application could cause an otherwise valid claim to be denied. Carefully check the application and write to [Company Name and Address] within thirty (30) days if any information is not correct and complete, or if any past medical history has been left out of the application.

(Source: Amended at 22 Ill. Reg. 2103, effective  
JAN 06 1998)

(Company Name)



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## Section 2012.EXHIBIT C Standard Format Outline of Coverage

[COMPANY NAME]

[ADDRESS - CITY &amp; STATE]

[TELEPHONE NUMBER]

TRADITIONAL LONG-TERM CARE INSURANCE

## OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

Caution: The issuance of this traditional long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If for any reason any of your answers are incorrect, contact the company at this address: [insert address]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which group policy was issued]).

2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!

3. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE CONTINUED IN FORCE OR DISCONTINUED.

a) For traditional long-term care health insurance policies or certificates include one of the following permissible policy renewability provisions:

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1) Policies and certificates that are guaranteed renewable shall contain the following statement: RENEWABILITY: THIS POLICY [CERTIFICATE] IS GUARANTEED RENEWABLE. This means you have the right, subject to the terms of your policy [certificate], to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own, except that, in the future, IT MAY INCREASE THE PREMIUM YOU PAY.

2) Policies and certificates that are noncancellable shall contain the following statement: RENEWABILITY: THIS POLICY IS NONCANCELLABLE. This means that you have the right, subject to the terms of your policy, to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own and cannot change the premium you currently pay. However, if your policy contains an inflation protection feature where you choose to increase your benefits, [Company Name] may increase your premium at that time for those additional benefits.

b) For group coverage, specifically include continuation/conversion provisions applicable to the certificate and group policy;

c) Include waiver of premium provisions or state that there are no such provisions;

d) State whether or not the company has a right to change premium, and if such right exists, include each circumstance under which premium may change.

4. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

(a) [Provide a brief description of the right to return -- "free look" provision of the policy.]

(b) [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

5. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.

(a) [For insurance producers agents] Neither [insert company name]

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nor its insurance producers **agents** represent Medicare, the federal government or any state government.

- (b) [For direct response] [insert company name] is not representing Medicare, the federal government or any state government.

6. TRADITIONAL LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

7. BENEFITS PROVIDED BY THIS POLICY.

- (a) [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]

- (b) [Institutional benefits, by skill level.]

- (c) [Non-institutional benefits, by skill level.]

d) Eligibility for Payment of Benefits.

[Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and must be defined and described as part of the outline of coverage.]

[Any additional benefit triggers **screens** must also be explained in this Section. If these benefit triggers **screens** differ for different benefits, explanation of the triggers **screen** should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified.] ~~if activities of daily living (ADLs) are used to measure an insured's need or long-term care, then these qualifying criteria or screens must be explained.~~

8. LIMITATIONS AND EXCLUSIONS.

[Describe:

- (a) Preexisting conditions;

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- (b) Non-eligible facilities/provider;

- (c) Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);

- (d) Exclusions/exceptions;

- (e) Limitations.]

[This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (6) above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

9. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the cost of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

- (a) That the benefit level will not increase over time;

- (b) Any automatic benefit adjustment provisions;

- (c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;

- (d) If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;

- (e) And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

10. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

11. PREMIUM.

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{a} State the total annual premium for the policy;

{b} If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

## 12. ADDITIONAL FEATURES.

{a} Indicate if medical underwriting is used;

{b} Describe other important features.]

(Source: Amended at 22 Ill. Reg. 2131, effective  
JAN 06 1998)

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## Section 2012. EXHIBIT D Rescission Reporting Format

RESCISSION REPORTING FORMS FOR  
TRADITIONAL LONG-TERM CARE POLICIES  
FOR THE STATE OF ILLINOIS  
FOR THE REPORTING YEAR 19[ ]

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Due: June 30 ~~March~~-1 annually

## Instructions:

The purpose of this form is to report all rescissions of traditional long-term care insurance policies or certificates. Those rescissions voluntarily effectuated by an insured are not required to be included in this report. Please furnish one form per rescission.

Policy Form #	Policy and Certificate #	Name of Insured	Date of Policy Issuance	Claim/s Submitted	Date of Rescission
---------------	--------------------------	-----------------	-------------------------	-------------------	--------------------

Detailed reason for rescission:



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Section 2012. EXHIBIT F Traditional Long-Term Care Insurance Personal Worksheet

People buy traditional long-term care insurance for many reasons. Some don't want to use their own assets to pay for traditional long-term care. Some buy insurance to make sure they can choose the type of care they get. Others don't want their family to have to pay for care or don't want to go on Medicaid. But traditional long-term care insurance may be expensive, and may not be right for everyone.

By state law, the insurance company must ask you to fill out this worksheet to help you and the company decide if you should buy this policy.

Premium

The premium for the coverage you are considering will be [\$ per month, or \$ per year] [a one-time single premium of \$ .]

[The company cannot raise your rates on this policy.] [The company has a right to increase premiums in the future.] The company has sold traditional long-term care insurance since [year], and has sold this policy since [year]. [The last rate increase for this policy in this state was in [year], when premiums went up by an average of %]. [The company has not raised its rates for this policy.]

The issuer shall use the bracketed sentence or sentences applicable to the product offered. If a company includes a statement regarding not having raised rates, it must disclose the company's rate increases under prior policies providing essentially similar coverage. The issuer may include rate information for up to two policy forms if the issuer has not changed rates on either policy or for prior policies providing essentially similar coverage.

[ Have you considered whether you could afford to keep this policy if the premiums were raised, for example, by 20%?]

The issuer shall use the bracketed sentence unless the policy is fully paid up or is a noncancellable policy.

Income

Where will you get the money to pay each year's premiums?

Income Savings Family members

What is your annual income? (check one)

Under \$10,000 \$[10-20,000] \$[20-30,000]  
\$[30-50,000] Over \$50,000

How do you expect your income to change over the next 10 years?

(check one)

No change Increase Decrease

Signature

Name and Title (please type)

Date

(Source: Amended at 22 Ill. Reg. 2133, effective 1/1/92)

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If you will be paying premiums with money received only from your own income, a rule of thumb is that you may not be able to afford this policy if the premiums will be more than 7% of your income.

Savings and Investments

Not counting your home, what is the approximate value of all of your assets (savings and investments)? (check one)

Under \$20,000    \$20,000-\$30,000    \$30,000-\$50,000    Over \$50,000

How do you expect your assets to change over the next ten years?

(check one)

Stay about the same    Increase    Decrease

If you are buying this policy to protect your assets and your assets are less than \$30,000, you may wish to consider other options for financing your long-term care.

Disclosure Statement

The information provided    I choose not to complete above accurately describes my    this information. financial situation.

Signed:    (Applicant)    (Date)

[ I explained to the applicant the importance of completing this information.

Signed:    (Insurance Producer)    (Date)

Agent's Printed Name:    ]

[Note: In order for us to process your application, please return this signed statement to [name of company], along with your application.]

[My insurance producer has advised me that this policy does not appear to be suitable for me. However, I still want the company to consider my application.]

Signed:    (Applicant)    (Date)

Choose the appropriate sentences depending on whether this is a direct mail or insurance producer sale.

The company may contact you to verify your answers.

When the Traditional Long-Term Care Insurance Personal Worksheet is furnished to employees and their spouses under employer group policies, the text from the heading "Disclosure Statement" to the end of the page may be removed.

(Source: Added at 22 Ill. Reg.    , effective    )  
JAN 6 1994

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**Section 2012.EXHIBIT C Things You Should Know Before You Buy Traditional Long-Term Care Insurance****Traditional Long-Term Care Insurance**

A long-term care insurance policy may pay most of the costs for your care in a nursing home. Many policies also pay for care at home or other community settings. Since policies can vary in coverage, you should read this policy and make sure you understand what it covers before you buy it.

[You should not buy this insurance policy unless you can afford to pay the premiums every year.] [Remember that the company can increase premiums in the future.]

For single premium policies, delete this bullet: for noncancellable policies, delete the second sentence only.

The personal worksheet includes questions designed to help you and the company determine whether this policy is suitable for your needs.

Medicare does not pay for most long-term care.

Medicaid will generally pay for long-term care if you have very little income and few assets. You probably should not buy this policy if you are now eligible for Medicaid.

Many people become eligible for Medicaid after they have used up their own financial resources by paying for long-term care services.

When Medicaid pays your spouse's nursing home bills, you are allowed to keep your house and furniture, a living allowance, and some of your joint assets.

Your choice of long-term care services may be limited if you are receiving Medicaid. To learn more about Medicaid, contact your local or State Medicaid agency.

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**Shopper's Guide**

Make sure the insurance company or insurance producer gives you a copy of a book called the National Association of Insurance Commissioners' "Shopper's Guide to Long-Term Care Insurance." Read it carefully. If you have decided to apply for traditional long-term care insurance, you have the right to return the policy within 30 days and get back any premium you have paid if you are dissatisfied for any reason or choose not to purchase the policy.

**Counseling**

Free counseling and additional information about long-term care insurance is available through your State's insurance counseling program. Contact your State insurance department or Department on Aging for more information about the senior health insurance counseling program in your State.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
JAN 14 1998



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Section 2012. EXHIBIT H Long-Term Care Insurance Suitability Letter

JAN 6 1998

Dear [Applicant]:

Your recent application for long-term care insurance included a "personal worksheet", which asked questions about your finances and your reasons for buying long-term care insurance. For your protection, State law requires us to consider this information when we review your application, to avoid selling a policy to those who may not need coverage.

[Your answers indicate that long-term care insurance may not meet your financial needs. We suggest that you review the information provided along with your application, including the booklet "Shopper's Guide to Long-Term Care Insurance" and the page titled "Things You Should Know Before Buying Long-Term Care Insurance." Your State insurance department also has information about long-term care insurance and may be able to refer you to a counselor free of charge who can help you decide whether to buy this policy.]

[You chose not to provide any financial information for us to review.]

We have suspended our final review of your application. If, after careful consideration, you still believe this policy is what you want, check the appropriate box below and return this letter to us within the next 60 days. We will then continue reviewing your application and issue a policy if you meet our medical standards.

If we do not hear from you within the next 60 days, we will close your file and not issue you a policy. You should understand that you will not have any coverage until we hear back from you, approve your application and issue you a policy.

Please check one box and return in the enclosed envelope.

Yes, [although my worksheet indicates that long-term care insurance may not be a suitable purchase,] I wish to purchase this coverage. Please resume review of my application.

Delete the phrase in brackets if the applicant did not answer the questions about income.

No. I have decided not to buy a policy at this time.

APPLICANT'S SIGNATURE

DATE

Please return to [issuer] at [address] by [date].

(Source: Added at 22 Ill. Reg. 2135, effective

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- 1) Heading of the Part: Conservation 2000 - Natural Resources Cost-Share Program
- 2) Code Citation: 17 Ill. Adm. Code 1522
- 3) Section Numbers:

1522.10	Adopted Action:
1522.20	New Section
1522.30	New Section
1522.40	New Section
1522.50	New Section
1522.60	New Section
1522.70	New Section
1522.80	New Section
1522.90	New Section
EXHIBIT A	New Section
EXHIBIT B	New Section
EXHIBIT C	New Section
- 4) Statutory Authority: Implementing and authorized by Section 62-31 of the State Finance Act [30 ILCS 105/62-31].
- 5) Effective Date of Rulemaking: January 2, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: January 2, 1998
- 9) Notice of Proposal Published in Illinois Register: September 26, 1997, 21 Ill. Reg. 12993
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

1522.10(a)	- changed "rule" to "Part"
1522.20(b)(1)	- added comma after "e.g."
1522.20(b)(2)	- removed comma after "IDNR"
1522.20(b)(5)	- removed comma after "One"
1522.20(b)(8)	- changed "\$12.00" to "\$12" and "\$50.00" to "\$50"
1522.20(b)(10)	- hyphenated "cost-share"

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- |                      |  |
|----------------------|--|
| 1522.20(b)(11)       | - capitalized "State"  |
| 1522.20(b)(12)       | - removed comma following "heirs"  |
| 1522.20(b)(13)       | - capitalized "State"  |
| 1522.20(b)(16)       | - removed "the" prior to "IDNR"  |
| 1522.20(b)(21)       | - changed "\$10,000.00" to "\$10,000"  |
| 1522.30(b)           | - added comma following "cedar"  |
| 1522.40(a)(1)        | - removed comma following "plants"   |
| 1522.40(c)(1)        | - added commas following "Conifers" and "spruce"   |
| 1522.40(c)(3)        | - hyphenated "Cost-Share"  |
| 1522.40(d)(4)(E)(iv) | - changed "-" to "/"   |
| 1522.40(d)(5)(A)     | - deleted "as"   |
| 1522.40(e)(1)(ii)    | - added "(no later editions or amendments are included)" following "(1972)"  |
| 1522.40(e)(1)(iv)    | - removed italics  |
| 1522.40(e)(1)(v)     | - added "(no later editions or amendments are included)" following "1989" and added a comma following "Forestry"   |
| 1522.40(e)(1)(vi)    | - changed "Cost-Share" to "Cost-share"   |
| 1522.40(e)(2)(A)     | - changed "NMRP" to "INRMP"  |
| 1522.40(e)(2)(B)     | - added comma following "stand"  |
| 1522.40(e)(2)(E)     | - added comma following "INRMP"  |
| 1522.40(f)(1)        | - added apostrophe following "species"; changed "Warm Season Grasses and Forbs:" to "Warm season grasses and forbs:"; and added a period following "sources" |
| 1522.40(f)(3)        | - changed "Warm Season Grasses Forbs" to "Warm season grasses and forbs combined"  |
| 1522.40(f)(3)(B)     | - added semi-colon following "Forbs"   |
| 1522.40(f)(4)        | - language was changed to read: "Planting rates shall not  |

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exceed recommended rates using the guidelines and specifications for cool season grasses in the Natural Resources Conservation Service Technical Guide IL-645-1 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at IDNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included)."

1522.40(f)(6) - "Prairie/Savannah Enhancement" was changed to "Prairie/savanna enhancement"

1522.40(j) - the comma following "forestation" was removed

1522.40(j)(D) - an apostrophe was added after "manufacturers"

1522.40(k) - "&" was changed to "and"; the commas following "loads" and "fauna" were removed and "to" was added prior to "improve"

1522.40(k)(l) - in 2 places a comma was added following "e.g."

1522.40(k)(7) - "LUNKERS" was changed to "lunkers"

1522.40(k)(F) - language in 2 paragraphs was combined into 1 paragraph; italics was deleted and "(no later editions or amendments are included)" was added following "(1993)"

1522.40(m)(5) - language in 2 paragraphs was combined into 1 paragraph and changed to read: "Limit this facility to one per 160 acres (regardless of ownership). Additional guidelines and specifications are referenced in the Natural Resource Conservation Service Technical Guide Sec. IV IL-648-1 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at IDNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included)."

1522.40(n)(l)(C) - "Control" was changed to "control"

1522.40(n)(2) - "(no later editions or amendments are included)" was added following "1992"

1522.40(o)(l) - subsection was changed to read: "Water and sediment control basin - a short earth embankment generally constructed across the slope of minor watercourse to collect and store water or sediment. This practice component is utilized where level terraces are not practical, usually because of topography. The design of the basin shall be in accordance with the specifications delineated in the Natural Resource Conservation Service Technical Guide, Sec. IV, IL- 638 (June 1992).

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Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at IDNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included)."

1522.40(o)(2) - subsection was changed to read: "Terrace - a level short earth embankment constructed across the slope of minor (not to exceed 100 feet in length) watercourses to temporarily collect water, allowing sediment to drop before the water is released via a conduit structure or allowed to permeate into the ground over a reasonable length of time. Terraces are usually used in a series for maximum efficiency in trapping sediment and slowing water velocity. The design of terraces shall be in accordance with the specifications delineated in the Natural Resource Conservation Service Technical Guide, Sec. IV, IL-600 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at IDNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included)."

1522.40(o)(3) - subsection was changed to read: "Grassed waterway - gently sloping areas vegetated with herbaceous plants used to convey runoff without causing erosion. The areas may also serve as inlets and outlets for terraces or water sediment control structures. The design of grassed waterways shall be in accordance with the specifications delineated in the Natural Resources Conservation Service Technical Guide, Sec. IV, IL-412 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at IDNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included)."

1522.40(p) - changed "are" to "area"

1522.40(p)(l)(C) - added an apostrophe to "structure's"

1522.40(p)(2) - changed "National" to "Natural"; changed "Section" to "Sec."; added "(no later editions or amendments are included)" following "(1992)"; removed "the" before "IDNR"; and deleted "(no incorporation in the Part includes later amendments or additions)"

1522.40(q) - changed "a INRMP" to "an INRMP"; added a comma following "1522.50" and "locations"; deleted "and"

1522.40(q)(3) - deleted "(ANSI Z60.1-1986 American Standard for Nursery Stock)"



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- 1522.40(q)(8) - hyphenated "cost-share" and changed "above the standards" to "the standards of this subsection (q)"
- 1522.40(q)(9) - changed subsection to read: "If planting is to be done by an outside contractor, that contractor must qualify as a small business."
- 1522.40(r) - language in parentheses was changed to read: "(see Sections 1522.40(d)(1) and (f)(2))."
- 1522.50 - "To Be" was changed to "to be"
- 1522.50(a)(3) - comma following "Managed" was removed
- 1522.50(a)(5) - added "of the plan" after "section"; added an apostrophe to "landowner's"; removed hyphen in "long term"
- 1522.50(a)(6) - in 2 places added "of the plan" following "section"; added an apostrophe to "landowner's"
- 1522.50(a)(7) - added "of the plan" following "section"; added a comma following "practices"
- 1522.50(b) - changed "INRMP's" to "INRMPs" in 3 places and changed "rule" to "Part"
- 1522.60 - added "DNR" before "Regional" in 2 places, changed "30 days of" to "30 days after" and changed 45 days of" to 45 days after"
- 1522.70 - added "DNR" before "Regional"
- 1522.70(b) - changed "1522.70" to "1522.80"
- 1522.80 - removed the comma after "Part"
- 1522.90 - removed the hyphen following "Conservation"; added "Natural Resources" following "2000"; removed the comma following "INRMP" and capitalized "State"
- 1522.Exhibit A - hyphenated "cost-share" in 2 places
- 1522.Exhibit B - changed references from "AC" to "A."; changed "LIN/FT" to "LIN. FT."; placed "HERBICIDES" and "MULCH" in parentheses; removed commas from thousand dollar amounts; placed words in items #2 and #3 in lower case
- 1522.Exhibit C - replaced the second slash in the phone number blank with a dash; capitalized "STREET"; moved "Cost-Share Authority" to the left margin and placed it in all capital letters; added a comma after "MAX";

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- replaced the dollar sign with "(in \$); replaced "\$ (AxB)" with "(in \$ (AXB)); replaced "NR" with "DNR"; replaced "INT./DATE" with "INITIALS & DATE" in 2 places; replaced "INSP" with "INSPECTOR"; replaced "e" with "E."; replaced "FDA" with "Earned"; replaced "(f)" with "(F,)" and replaced the period following it with a comma and placed "the" in lower case; added "-share" following cost; replaced "percent rate" with "for the practice"; added "(17 Ill. Adm. Code 1522)" following "this program"; placed a period after "...published by the Department."; capitalized "alien"; capitalized "section"; replaced "[30 ILCS 505/10.1, 10 ILCS 505/10/3]" with "[30 ILCS 505/10.1 and 10.3]"; replaced "33-E3" with "33E-3"; replaced "33-E4" with "33E-4"; replaced "720 ILCS 5/33-E4" with "and "33E-4"; replaced "[5 ILCS 385/1]" with "[5 ILCS 385]"; added "in" before "default"; replaced "[775 ILCS 25/1]" with "[775 ILCS 25]"; changed "chapter 30" to "See 30"; added a comma following "treatment of"; changed "[30 ILCS 580/1]" to "[30 ILCS 580]"; removed the comma following "Act"; in the labeled subsections, removed the left-hand parentheses; changed "or" to "of" in "(B); changed subparagraph (a1)" to "(a)(1) above" in subparagraph (c); changed "part(B) of paragraph (3) of subsection (a)" in subparagraph (d) to read "(a)(3); in subparagraph (e), capitalized "Section"; in subparagraph (f), deleted ", and rehabilitation is required"; added "[775 ILCS 5]" after "the Illinois Human Rights Act"; added "[775 ILCS 10]" after "the Public Works Employment Discrimination Act"; add "(42 U.S.C. 1981 et seq.)" after "Civil Rights Act"; deleted "and rules applicable to each. The equal employment opportunity clause of the Department of Human Rights' rules is specifically incorporated herein"; changed "[5/33 E-12]" to "[5/33E-12.]; added "DNR" before "Forms Management Center."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rule establishes and describes a new natural resource cost-share program to be made available to landowners within Ecosystem Partnership Areas. The new program allows cost-share on a broader range of conservation practices than has traditionally been available through agricultural cost-share programs. It also builds upon existing agricultural and other Department of Natural Resource cost-share programs.
- 16) Information and questions regarding these adopted rules shall be directed to:
- Jack Price  
Department of Natural Resources

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524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Rules begins on the next page:

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER d: FORESTRY

## PART 1522

## CONSERVATION 2000 - NATURAL RESOURCES COST-SHARE PROGRAM

## Section

1522.10 General

1522.20 Eligibility

1522.30 Habitats to be Established, Protected and Improved

1522.40 Practices

1522.50 Integrated Natural Resources Management Plans

1522.60 Review of Completed Practices

1522.70 Appeal

1522.80 Information

1522.90 Penalty

EXHIBIT A Integrated Natural Resources Management Plan Certification

EXHIBIT B Cost-Share Practices: Percent and Maximum Payments

EXHIBIT C Application

AUTHORITY: Implementing and authorized by Section 6z-31 of the State Finance Act [30 ILCS 105/6z-31].

SOURCE: Adopted at 22 Ill. Reg. \_\_\_\_\_, effective

JAN 02 1998

## Section 1522.10 General

- a) The purpose of this program is to contribute to the protection of a system of functional ecosystems in both public and private ownership by making available incentives to landowners in the form of cost-shared natural resource management practices. Ecosystem Partnerships will be used to promote conservation and responsible use of natural resources. Furthermore, the program provides ways and means to assist Ecosystem Partnerships participating in the Ecosystems Program of Conservation 2000 to implement ecosystem management practices and strategies. The success of each Ecosystem Partnership in contributing to an ecosystem based management strategy will depend to a great extent on the cooperation, commitment, and contributions of private landowners within each Ecosystem Partnership area. This Part establishes a cost-share incentive program to implement natural resource conservation practices on lands within these areas. An Ecosystem Partnership is a coalition of local interests within a watershed-based ecosystem.
- b) An Ecosystem Partnership Area is a watershed-based ecosystem area which has a Local Partnership Council. Working within an Ecosystem

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Partnership Area the Department will be able to:

- 1) Preserve, protect and restore the natural diversity of Illinois;
  - 2) benefit wildlife, promote soil conservation, and enhance water quality;
  - 3) provide for the outdoor recreational needs of the people of Illinois; and
  - 4) enhance the economic climate of the State of Illinois.
- c) Practices recommended in an Integrated Natural Resource Management Plan (INRMP) (see Section 1522.20(b)(1)) will be selected by the landowner, approved by the Illinois Department of Natural Resources (IDNR), and entered on the cost-share agreement.
- d) The maximum program payment and the percentage of costs paid are outlined on Exhibit B - Cost-Share Practices: Percent and Maximum Payments.

## Section 1522.20 Eligibility

a) Land - Lands within an area where the Director of the Department of Natural Resources has recognized an Ecosystem Partnership will be eligible. Holdings of 5 acres or more constitute the minimum size. Permanent structures require the exclusion of one acre or a greater amount if the structure(s) occupy more than one acre. Fractional parts of an acre will count as one acre. However, habitat improvements along riparian zones will be exempt from any acreage limitations. There will be no minimum acreage requirements for work adjacent to perennial streams or rivers. A Local Partnership Council is a group of citizens who have applied to and been accepted by the Director of the Department of Natural Resources to represent members of an Ecosystem Partnership in soliciting funding for an Ecosystem Partnership Area.

b) Landowners - All private land ownerships are eligible. Public lands are eligible for practices only under Community Tree Planting. The following provisions must be met or maintained:

- 1) The landowner must have an Integrated Natural Resource Management Plan (INRMP) approved by IDNR. Plans prepared by other agencies must be approved by appropriate IDNR District Managers. IDNR District Managers are District Foresters, Private Lands Biologists, Natural Heritage Biologists, Fisheries Biologists or Project Managers. This plan must be approved prior to beginning a cost-share practice. To be eligible, practices must be specified in the plan or added as an amendment. Multi-disciplinary integrated plans prepared by other agencies (e.g., Soil and Water Conservation Districts, Natural Resources Conservation Service and U.S. Fish and Wildlife Service) which meet the requirements of INRMP can be approved.
- 2) All cost-share practices must be requested on the application form (Exhibit C) provided by IDNR and approved by the District Manager with lead responsibility for the practice.

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- 3) All practices (measured in acres) must be a minimum of one acre.
- 4) Minimum practice lifespan (except Community Tree Planting) is 10 years, but may be of longer duration.
- 5) Practices must be completed within 18 months of approval. One 6 month extension may be utilized if approved by the District Manager responsible for the oversight of the practices.
- 6) This is a reimbursement cost-share program. Advance payment will not be allowed. Furthermore, cost-share payment cannot be made to a third party.
- 7) Only approved and satisfactorily completed practices provide the basis for reimbursement to landowners.
- 8) Landowners must provide an itemized statement with paid receipts for expenses incurred in the implementation of the approved practice. In determining the cost of a landowner or family member doing the practices, the labor rate shall not exceed \$12 per hour. Reimbursement for amounts less than \$50 will not be processed for payment.
- 9) The cost-share rate is 75%. Payments are not to exceed the established maximum amounts for each practice. However, plant materials purchased from IDNR approved private commercial nurseries will be reimbursed at 100% based on pre-established prices including shipping, except for Community Tree Planting Projects.
- 10) Concurrent cost-share is possible. Cost-share funds from a federal program and Conservation 2000 may jointly be used to fund practices. Landowners may not be reimbursed more than the actual cost not to exceed the base cost of the practice. The base cost represents the amount upon which the cost-share maximum is derived. Federal programs will be used for initial payment. When federal or other cost-share program practices are utilized concurrently with Conservation 2000, the cost-share rate shall equal the rate of the other concurrent cost-share program in effect in the county where the practice is installed. The Conservation 2000 cost-share rate and the "not to exceed per practice unit amount" (Exhibit B), shall be adjusted proportionally from the standard rate now in effect. The adjusted maximum fixed rate is determined by taking the federal cost-share percent rate times the average cost per acre.
- 11) While this program may be combined with a federal program for implementation of a specific practice, it cannot be combined with another State program for that same practice.
- 12) Other parties, buyers or heirs can assume custody, rights, privileges and obligations of the INRMP by signing an agreement to adopt the INRMP.
- 13) Pesticides used in performing practices must be coordinated into an Integrated Pest Management (IPM) portion of the INRMP. Products used must be registered at the federal, State and local level, if required, and applied according to label directions



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and precautions.

- 14) Cost-share practices may be attempted a second time if practice failure was not the direct fault of the landowner.
- 15) Cost-share practice areas can be utilized for the consumption of renewable resources. The use of cost-share practice areas for leased hunting, fishing, or other recreational use is permitted, but shall be compatible with the management objectives specified in the INRMP. Management, by design, must be such as to allow for successful regeneration or restoration of plants and animals.
- 16) Except as approved by IDNR, exotic plants and animals shall not be knowingly released or cultured on land covered by the INRMP.
- 17) Conversion of a cost-shared practice to another non-program land use prior to the expiration of the practice will require a 100% refund of the cost-share payment.
- 18) Grazing by livestock, horses, or captive wildlife is not an authorized land use during the lifespan of the practice.
- 19) Cost share funds shall not be used for the establishment or production of fruit and nut orchards, aquaculture, grass or forb seed production, greentree reservoirs, commercial campgrounds, Christmas tree production, nurseries, licensed hunting preserves, road construction, bridges, gates or boundary fences.
- 20) Irrigation is not included in practices.
- 21) Maximum dollars of cost-share available to any unit of local government or combination of units of governments in a community shall not exceed \$10,000 per year for Community Tree Planting.
- 22) All practices will be consistent with Director approved IDNR policies.

**Section 1522.30 Habitats to be Established, Protected and Improved**

- a) Aquatic - means open water, retention ponds, marshes, swamps, bogs, fens, rivers, streams and other wetlands.
- b) Forest - means any land area (at least 5 acres in size and 100 feet wide) to be forested and/or the culture of established forests. Planting of native hardwoods and shrubs will be specified in the INRMP for areas to be forested. Conifers, including bald cypress, larch, red pine, white pine and Eastern red cedar, may be planted and cultured. In Southern Illinois, South of US Route 40, shortleaf and loblolly pine may be planted.
- c) Grasslands - means grass dominated habitats, such as prairies and savannas. The practices allow the establishment or culture of native grasses, forbs and woody plants. Also included is the establishment of non-native grasses and legumes for the benefit of wildlife. Grass and legume species must be approved by IDNR. However, use of non-native grasses and legumes shall not be approved where they may degrade native communities or restorations of native communities.
- d) Habitat for Threatened and Endangered Species - means to restore, protect, enhance, and maintain threatened or endangered native plants

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and animals and their unique communities identified by the Illinois Endangered Species Protection Board.

- e) Renewable Resource Management, Energy Conservation and Outdoor Recreation Definitions.
  - 1) Agroforestry Establishment (Alley Cropping) - The establishment of a stand of trees and agronomic crops on the same area to create integrated, diverse, profitable and sustainable land systems.
  - 2) Field Windbreak Installation - The establishment of trees and/or shrubs to reduce the local effects of blowing snow and soil, provide travel corridors for wildlife, and establish additional habitat.
  - 3) Outdoor Recreation Enhancement - The practice encourages the development of low intensity, low impact recreational uses (such as foot trails and scenic overlooks for landowner use).
  - f) Special Habitats or Unique Natural Features - means to protect, restore, and maintain unique natural features or habitats such as caves, cliffs, hibernacula, etc.

**Section 1522.40 Practices**

Practices are the building blocks used to implement management objectives. Only those practices necessary to accomplish the objective of the INRMP should be included and used. For rates, see Exhibit B - Cost-Share Practices: Percent and Maximum Payments.

- a) Exotic Vegetation Control
  - 1) The purpose of this practice is to eliminate or reduce the intrusion of exotic plants and to enhance the regeneration and development of native species.
  - 2) Apply this practice to any habitat where exotic vegetation is already a problem, or where a problem is likely to occur.
  - 3) Use prescribed fire, chemical, mechanical, or predator means as treatments for exotic vegetation control. Multiple treatments in combinations may be needed.
- b) Fencing
  - 1) Fences are only for exclusion of livestock.
  - 2) Only permanent fences are allowed.
  - 3) Cost-Share Rates/Specification - The cost-share amounts vary by type of fence constructed.
    - A) A woven wire fence must consist of at least a 26 inch woven wire with at least 2 strands of barbed wire on top.
    - B) A barbed wire fence must be at least 3 strands.
    - C) If other fence materials are used, all-weather wood or native lumber highly resistant to decay may be substituted for barbed wire if required for certain domestic animals.
    - D) A suspension fence will consist of at least 4 strands of barbed wire, with the distance between posts not to exceed 100 feet and sufficient wire spacers to prevent sagging.

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E) A high-tensile fence will consist of at least 6 strands of wire, with the distance between posts not to exceed 100 feet with sufficient droppers to maintain proper wire spacing.

## c) Field Windbreaks

The purpose of this practice is to establish field windbreaks which will at maturity protect a 200 foot zone on downwind side.

- 1) Species: Planting of trees and shrubs will be specified in the INRMP for the area to be protected. Conifers, including red pine, white pine, eastern red cedar and Norway spruce, may be used. Hardwood trees and shrubs are acceptable species for field windbreaks.

- 2) Windbreaks will be cost-shared per lineal foot per row.

- 3) Cost-share is not authorized for the following:

- A) establishing a tree species in a windbreak for orchard trees, ornamental or nursery stock, or for Christmas tree production.
- B) girdling and/or removal of an entire windbreak except if, in the judgment of the District Manager, the stand treatment requires this practice.

## d) Forestation and Shrub Establishment

The purpose of this practice is to establish a stand of forest trees and/or shrubs for conservation benefits.

- 1) Seed Sources - Use the following guidelines to assure adaptation of plants to Illinois. Within the established guidelines, District Managers will make final approvals based upon a species' ability and/or seed source to be moved north or south. Trees and shrubs are:

- A) Preferred - within the boundaries of Illinois and from local seed sources.

- B) Acceptable - the area from which seed was collected shall be within:

- i) 50 miles west of the Mississippi River;
- ii) 50 miles north of the Wisconsin-Illinois border;
- iii) a north-south line extended along the eastern border of Ohio; and
- iv) 100 miles south of the Ohio River.

- 2) Site Preparation for Planting Seedlings or Direct Seeding

- A) Site preparation activities will be used primarily to provide favorable conditions for the establishment of seedling trees and shrubs.

- B) Reduce competition by employing mechanical and chemical means as spot or band treatments located with respect to the planned stocking and spatial arrangement. Broadcast treatment of the planting site is generally not needed, but may be used on some occasions as determined by the District Manager(s) and described in the INRMP.

- C) Temporary vegetative cover may be established if the planting must be delayed or if erosion poses a severe

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threat. Use oats, annual rye grass or other non-perennial grasses.

- D) Site preparation must be approved by the District Manager and meet the following standards and specifications.

- i) Cost-share categories and variable cost-share levels are:

Level 1 - Vegetation or heavy residues which will cause some difficulty in normal planting.

Level 2 - 60% or more of area is sod and broad leaved herbaceous plants. Or, up to 40% of area is in light woody cover with stems 2 inches or less in diameter at ground line.

Level 3 - More than 40% of area occupied by woody vegetation, briars, vines, or woody stems 2 inches in diameter or less at ground line, but can include up to 25 stems per acre greater than 2 inches at ground line.

Level 4 - More than 40% of area occupied by woody vegetation greater than 2 inches in diameter at ground line; or more than 25 stems per acre greater than 2 inches diameter at ground line.

- ii) Site preparation is limited to areas having undesirable vegetative growth (such as grass sod, perennial and annual broad leaved plants and trees and brush which do not meet the INRMP objectives) which will be replanted to desirable tree/shrub species.

- iii) Measures necessary to minimize erosion must be undertaken, and plantings must be according to prescribed standards set forth in the approved INRMP. Measures may include, but are not limited to, hand planting, machine planting on contour, establishment of temporary herbaceous cover, the use of herbicides for minimum disturbance of established cover.

- iv) Site preparation may be undertaken mechanically with machinery which includes all normal farm tillage implements, and other implements used in chopping, sawing, or scalping. Soil conservation must be a priority when this method is utilized.

## 3) Tree and Shrub planting

- A) Trees: Minimum #/Acre - 435  
Maximum #/Acre - 1,000
- B) Shrubs: Minimum #/Acre - 200  
Maximum #/Acre - 1,750

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- C) Plantings must meet the following standards and specifications:
- Selected tree species and seed sources to be planted must be in accordance with the INRMP.
  - Plantings must be made in accordance with the INRMP. Species must be firmly planted at the proper depth.
  - At least 90% of the conifer stock must be not less than 3/32 inch in caliper at 1 inch above the root collar (nursery soil line). At least 90% of the hardwood stock shall be 7/32 inch caliper or greater at 1 inch above the root collar (nursery soil line). At least 90% of the shrub stock must be not less than 4/32 inch in caliper at 1 inch above the root collar (nursery soil line). In addition to the standards above, hardwood stock purchased from private nurseries shall be ordered from the 12-18 inch category as described in the nursery's catalog or other written description.
  - Spacing requirements are as follows: Spacing requirements shall be prescribed in the INRMP and will vary depending upon species and management objectives of the landowner. Spacing shall insure that no less than 435 or more than 1,000 trees are planted per acre or no less than 200 or more than 1,750 shrubs are planted per acre. Interplantings within wooded areas are to be spaced a minimum of 6 feet apart in openings which receive partial or full sunlight. Variations in spacing standards may be made in accordance with written recommendations approved by the District Manager.
  - Stocking and replanting requirements: At least 70% of the planted trees or shrubs must be maintained throughout the practice lifespan. Cost-share assistance for replanting will be available where losses are due to natural causes, such as heat, drought, flood, hail, and similar occurrences, if 70% of a stand is not obtained, or if a stand deteriorates to less than 70% within the first 2 growing seasons due to the natural causes mentioned above.
- 4) Direct seeding
- Use this practice in place of tree/shrub planting or to augment a seedling planting.
- Planting specifications and guidelines shall not exceed those recommended in: "Direct seeding of Southern Oaks - A PROGRESS REPORT", by Robert L. Johnson and Roger M. Krinard, Southern Hardwoods Laboratory, Stoneville MS, Forest Service, USDA (1998) (no later editions or amendments are included) and/or the guidelines offered in Silvics of Forest

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- Trees of the United States (1974), Agriculture Handbook 271, Forest Service, USDA, Washington, D.C. 20250 (no later editions or amendments are included).
- If, after 2 full growing seasons there are less than 150 seedlings of acceptable growing stock per acre, no further attempts to direct seed shall be made. However, tree planting may be done according to the guidelines for the Tree and Shrub Planting practice to meet minimum stocking levels.
  - Measures to protect seed from predator pilferage shall be required when appropriate.
  - Site preparation measures as specified in the INRMP will be completed prior to direct seeding.
  - Specifications
    - This practice shall pay for seed collected or purchased plus labor and machinery use.
    - Seed shall be local source, within 25 miles of the seeding site. Or, if local seed is not available, seed shall be collected from a zone within 100 miles north of the site or within 200 miles south of the site.
    - Site preparation measures are best done before direct seeding. Additional treatments to introduce adequate sunlight and to reduce competition may be needed.
    - Overstory removal may be required following establishment of seedlings/saplings.
  - Site preparation for Natural Regeneration
 

The purpose of this practice is to establish a stand of appropriate forest species through natural regeneration.

    - Cost-sharing can be authorized for one additional regeneration treatment using seed or seedlings, if by uncontrollable circumstances (i.e., weather related problems, etc.) natural regeneration fails to become established to the required stocking level.
    - For this practice to be successful, a minimum of 30% of the available light must reach the forest floor. Other site factors can be modified to enhance regeneration, by means of: reduction or elimination of competing vegetation, including unmerchantable or undesirable trees and brush, discing or tillage, use of foliar, cut surface or injected herbicides, mechanical removal of shallow rooted species, prescribed burning and other measures as prescribed.
- C) The prescription in the INRMP shall address the process outlined in "Regenerating Red Oaks", by Rod Jacobs, Silviculturist, U.S. Forest Service, State and Private Forestry, St. Paul, Minnesota (1987) (no later editions or amendments are included). The prescription shall also address the "Elements of a Silvicultural Prescription" and



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the appropriate "Silvicultural Systems and Regeneration Methods" described in the "FORESTRY HANDBOOK" 2nd Edition, Edited by Karl F. Wenger, for the Society of American Foresters, 5400 Grosvenor Lane, Washington, D.C. 20014 (1984) (no later editions or amendments are included).

- D) Creation of suitable soil conditions for establishment of seedlings of desired species is particularly crucial for oak species. A reasonable expectation of seed deposition on the area to be regenerated must be imminent and abundant before this practice is performed.

## 6) Vegetation Control

Control of undesirable vegetation with herbicides or mulching may be cost-shared for seedling trees, shrubs, or woody plants previously established by means of planting direct seeding and/or natural regeneration. This practice may be used up to 3 times in a 10 year period following the date the practice was first implemented.

- A) Application of herbicides may be in either liquid or granular form, and may be pre-emergents or post-emergents or combinations of these types. Application may be made as pre-plant, post-plant, or at time of planting.

- B) Organic mulches may be used in combination with herbicides or in lieu of herbicides, and must be used if required in the approved management INRMP, to qualify for site preparation and planting cost-share payments. Minimum per seedling mulched area is 12 square feet with an initial depth of 4 inches. Mulched areas must be pretreated by removing existing vegetation to mineral soil prior to applying the mulch.

## 7) Agroforestry

The purpose of this practice is to establish a stand of trees and agronomic crops on the same area to enhance environmental benefits.

- A) Rows of trees will be established with areas between tree rows dedicated to growing annual or perennial agronomic crops. Such crops as hay, soybeans, cereal grains, and others not excluded from the Conservation 2000 Program may be grown. The cost of these crops will not be reimbursed by the cost-share program.

- B) General specifications for Agroforestry are:

- i) Tree row width is designated in a range from 20 to 50 feet to accommodate farm machinery.
- ii) Within rows, trees or shrubs shall be spaced in a range from 4 to 6 feet apart.
- iii) Row width and lineal spacings will be specified in the INRMP.
- iv) Native trees and shrubs are the preferred species. Spruce and firs may be planted if approved in the

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## INRMP.

- e) Forest Stand Improvement (FSI)

- 1) Thinning and Release

- A) Profitable production for timber, wildlife mast, or aesthetics can result from the application of proper methods of thinning or releasing of desirable crop trees, and by cutting of designated vines attached to desirable crop trees. Vines not on crop trees shall be retained for wildlife benefit.

- B) Improvement measures shall be carried out in such a manner as to improve or protect the quality of the environment, especially wildlife habitat.

- i) The District Manager must give prior approval to the practice area and the methods to be used based upon the density, condition of the trees, and economic feasibility of the practice. This should be documented in the INRMP. If the thinning is for purposes other than commercial timber production, the appropriate District Manager shall determine efficacy and feasibility of this practice.

- ii) Work shall be done by cutting, girdling, and herbicide treatment of the surplus, diseased, cull or weed trees, and by cutting designated vines attached to desirable crop trees. Thinning should release desirable tree species so as to leave per acre an adequately stocked stand composed predominantly of high ranked desirable species, well distributed, as described in the INRMP. Stocking guides and species rank shall be determined by use of the appropriate table in "Recommended Silviculture and Management Practices for Illinois Hardwood Forest Types", Illinois Technical Forestry Association (1972) (no later editions or amendments are included), Extension Forester, Illinois Cooperative Extension Service, University of Illinois, 110 Mumford Hall, Urbana IL 61801.

- iii) Thinning will not be approved as a practice unless a minimum of 20 square feet of basal area per acre is recommended for removal. If crop tree management is used, at least 10 crop trees per acre must be released on all 4 sides.

- iv) Crop tree management practice guidelines will follow the recommendations provided by CROP TREE MANAGEMENT IN EASTERN HARDWOODS NA-TP-19-93, USDA Forest Service, Arlyn Perkey, Morgantown WV (no later editions or amendments are included).

- v) Herbicide treatment of stumps may be omitted when crop trees released are more than 20 feet tall. Herbicide

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treatment may also be omitted if a double girdle is utilized. Double girdling shall be done only when stump sprouting will not be a serious problem. This method is described in Central Hardwood Notes, 6.10, August 1989 (no later editions or amendments are included), Northeastern Area, State and Private Forestry, USDA Forest Service. Both exceptions above must be approved in writing by the District Manager. All other FSI treatment methods require use of approved herbicides.

- vi) Cost-share assistance will not be provided for any acre from which commercial products are being sold or traded in the process of carrying out the FSI practices.

## 2) Pruning Crop Trees

- A) This practice shall be used solely to improve the quality of lower logs in selected high value species for the production of high quality wood and documented in the INMRP by the District Forester.
- B) In coniferous stands, the trees must have a minimum total height of 18 feet. All dead branches must be pruned, and all live branches up to one-half the total height of the trees must be pruned. Pruning to a maximum height of 17 feet is required where the trees are 34 feet tall or taller. Not more than 100 final coniferous crop trees per acre, well distributed throughout the stand, will be considered in determining the cost-share payment.
- C) In deciduous stands, pruning to a total height of 17 feet is required where trees are 34 feet tall or taller. Pruned trees shall retain 40% to 50% of total height as live crown. Deciduous stands must have attained a minimum height of 12 feet to effect a minimum pruning height of 6 feet. Not more than 100 well distributed desirable crop trees per acre shall be selected and fine hardwood (white and red oak, black walnut, etc.) species will be given prime consideration. In order to reduce the risk of decay, prune no limbs over 3 inches in diameter.
- D) All pruning must be as close to the stem as possible without disturbing the branch bark ridge and branch collar.
- E) Corrective pruning to influence tree form may be required in the INMRP, but such pruning is not eligible for cost-sharing.
- F) Grass and Forb Establishment  
The purpose of this practice is to establish grassland habitats.
  - 1) Seed sources - Use the following guidelines to assure adaptation of plants to Illinois. Within the established guidelines, District Managers will make final approvals based upon a species' ability and/or seed source to be moved north or south.

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Warm season grasses and forbs:  
Preferred - within the boundary of Illinois, and from local sources.

Acceptable - the area from which seed was collected shall be within:

- A) 50 miles west of the Illinois border, and 50 miles north of the Wisconsin-Illinois border, and 50 miles east of the of the Indiana-Illinois border.
- B) North of the Ohio River.
- C) When seed availability is limited due to unforeseen circumstances, the Department's Natural Areas Project Manager may approve exceptions to the above seed source limitations.

## 2) Warm season grasses

Planting rate:

Maximum - 10 lbs. (pure live seed) per acre  
Minimum - 6 lbs. (pure live seed) per acre

## 3) Warm season grasses and forbs combined

A) Planting rates:

Maximum - 6 lbs. (pure live seed) per acre  
Minimum - 4 lbs. (pure live seed) per acre

B) Forbs:

Maximum - 3 lbs. (clean seed) per acre  
Minimum - 1 lb. (clean seed) per acre

## 4) Cool season grasses

Planting rates shall not exceed recommended rates using the guidelines and specifications for cool season grasses in the Natural Resources Conservation Service Technical Guide IL-645-1 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at IDNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included).

- 5) Savannah reconstruction/restoration  
Warm season grass and forb rates will not exceed those established above. Trees, existing or new, shall not exceed 50% canopy coverage at maturity.

- 6) Prairie/savannah enhancement  
This practice can be used to establish buffer zones or increase the number of forb or grass plants in a new or established prairie or savannah. Plants to be used can be plugs or bare-root seedlings.

Maximum number of plants - 5,000 per acre

Minimum number of plants - 1,000 per acre

- g) Habitat Modification for Threatened and Endangered Species

The purpose of this practice is to protect, restore and maintain unique features or habitats such as caves, cliffs, hibernacula, etc.,

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for specified threatened and endangered species.

- 1) The INRMP must specify the area to be protected and the required action to protect the site from non-natural impacts that might disrupt the habitat and dislodge threatened and endangered species.
- 2) Cost share shall not be authorized for any action that is determined to be harmful to the threatened and endangered species and its habitat.
- h) Outdoor Recreation Enhancement
 

The purpose of this practice is to establish and enhance recreational opportunities.

  - 1) Trail development: The INRMP must specify the location, length, and width of the trail or trails. Trail width shall not exceed 4 feet. Cost-share rate shall be per foot of trail constructed.
  - 2) Vistas: The INRMP must specify the location of scenic overlooks or vistas and the area of treatment. Cost-share rate will be on a per acre basis.
  - 3) Cost-share is not authorized for the following:
    - A) road construction or maintenance;
    - B) gates, bridges, signs;
    - C) surfacing material;
    - D) outbuildings;
    - E) commercial campgrounds;
    - F) commercial recreation development, including picnic areas;
    - G) practice that would directly or indirectly result in adverse effects to a cultural resource; or
    - H) boundary fences.

## i) Prescribed Burning

- 1) Use this practice to help establish, restore, modify, or maintain habitats.
- 2) Repeat burns up to 6 times in a 10 year period following the date the practice was first implemented. IDNR's prescribed burn policy must be followed as well as local rules and regulations.

## j) Reducing Wildlife Damage

Use the following practices to allow establishment of vegetation in situations where a wildlife population threatens adequate establishment or maintenance of vegetation. Wildlife damage control is necessary at times to protect the investment in tree planting, direct seeding, or natural regeneration.

- 1) This practice is limited to situations where the need for damage control is evident or highly probable based on wildlife populations. Consultation with a District Private Lands Biologist and documentation in the INRMP is required.
- 2) Protective devices must be removed from the site at the end of their usable life or when the threat of damage has passed. The following practices may be utilized:
  - A) Tree shelters. The recommendation in the INRMP as approved by IDNR shall be as follows:

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- i) Up to 50 tree shelters shall be evenly distributed throughout each acre.
- ii) Shelters shall be maintained as installed for the life of the shelters. Shelters may be moved to other seedlings only if the original trees have died.
- iii) Durable rot resistant stakes must be used.
- iv) Nylon mesh caps or other approved barriers may be needed to prevent death of birds.
- v) For protection from deer, 4 foot shelters must be utilized.
- B) Electric Fencing. Use as a temporary measure primarily for reducing damage by deer.
  - i) Visible Grazing System (VGS) type fence wire, stainless steel enclosed in plastic is the preferred type. Other wire may be used, but must be marked with white or other bright color at minimum intervals of 25 feet.
  - ii) For maximum benefit the fence must be charged throughout the year so as to affect deer behavior.
  - iii) The service life of the fence shall be determined in the INRMP or by separate written prescription.
- C) Repellents. Use these materials to protect forestation or natural regeneration.
  - i) Either scent or taste repellents may be used; the INRMP shall prescribe specific types.
  - ii) Label directions on approved products must be followed. Renewal applications must be made in a timely manner, per the label.
  - iii) The primary treatment shall be done by treatment of the central leader of the seedling.
  - iv) This practice may be repeated up to 3 times in a 10 year period following the date the practice was implemented.
- D) Bud or Growing Point Protectors. Such devices as mesh netting, tubes, or bud caps may be used to protect seedling plants. Installation of such devices shall be according to the manufacturers' recommendations and the written prescription in the INRMP.
- k) Stream/Streambank Improvement and Protection
 

Vegetation and other materials are used in this practice to stabilize banks of streams against scour erosion. The purpose is to reduce sediment loads and to improve water quality for the benefit of aquatic flora and fauna and attendant recreational uses.

  - 1) Consideration will be given to practices which reduce excessive bank erosion, minimize sheet erosion on adjacent lands, enhance near-stream conditions (e.g., shading), control head-cutting in waterways and provide in-stream habitat (e.g., boulders, bank cover, etc.).



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- 2) Vegetation stabilization techniques will be emphasized and work confined to the bank area. Stabilization techniques include reshaping, stabilization of the toe with rock or woody material, temporary stabilization with mulch and grass, and permanent revegetation with trees or shrubs. Stabilization with cuttings or posts of trees and shrubs which root rapidly in wet conditions is included.
- 3) A buffer/filter strip, herbaceous or woody vegetation must be established along with the bank being treated. Minimum width for cost-share is 2 rods.
- 4) Channel straightening, realignment, widening or deepening is not included or cost-shared.
- 5) Measures for streambank and shore protection must be installed according to the INRMP.
- 6) Designs for streambanks shall be according to the following principles:
  - A) Streambank protection must be started at a stable point and must end at a stable point of the stream.
  - B) The toe of the bank must be protected well below the anticipated lowest depth of scour.
- 7) This practice contains elements for restoring and enhancing in-stream habitat and streambank protection. Various methods can be employed to improve food supply, shelter, spawning areas, water quality, or other elements of fish habitat.
  - A) Tree or brush revetments - used to stabilize banks while providing (dead) woody material in stream channels for fish shelter and colonization by invertebrates.
  - B) Bank cover devices (lunkers and log covers) - used to stabilize banks while providing overhead cover for shelter, feeding and spawning by various fish species.
  - C) Artificial riffles - used for grade control and to provide coarse, well aerated substrate for fish spawning, feeding and invertebrate production.
  - D) Current deflectors - made of rock and/or logs and used to protect banks and induce pool formation and meandering, particularly in previously straightened segments of channel.
  - E) Livestock Watering Device - These devices can be cost-shared where streams/rivers and forest stands have been protected from livestock access. The maximum number of devices to be cost-shared will be 2 per property - one per landowner's side of the stream/river.
  - F) Miscellaneous habitat devices - half-log devices, cabled rootwads, boulders, macrophyte plantings or any other method specifically intended to increase instream habitat diversity for use by aquatic life. Design and placement of stream habitat improvements should follow the methods of Newbury and Gaboury (1993) (no later editions or amendments are included), Stream Analysis and Fish Habitat Design - A Field

## DEPARTMENT OF NATURAL RESOURCES

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- 8) In addition, cost-sharing is not authorized for the following:
  - A) purchase of fish;
  - B) purchase of fish food;
  - C) pond installation; or
  - D) enhancement of commercial aquaculture operations.
- 1) Wildlife Habitats
 

Use any of the preceding practices plus the following to establish, protect, or improve habitats:

  - 1) Travel corridors (fencerows) - Use these to connect habitat types on the landscape. Minimum width shall be 1 rod. Planted woody species will be at least 2 rows.
  - 2) Nest boxes - Use only when natural cavities and nesting sites are inadequate to meet species needs. Maximum number of nest boxes per acre - 5.
  - 3) Snag creation - Use to create habitat niches for specific species. Deaden a minimum of 4 trees per acre and a maximum of 12. If logging is anticipated within 10 years, delay this activity.
- m) Wildlife Watering Facility
  - 1) Construct, improve, or modify watering places.
  - 2) Use this practice only when wildlife species are limited by availability of standing water, and not available within the species home range. Incorporate multiple species use in design.
  - 3) Utilize least expensive means to accomplish the objective.
  - 4) Utilize a 5 foot maximum depth standard in design and construction.
  - 5) Limit this facility to one per 160 acres (regardless of ownership). Additional guidelines and specifications are referenced in the Natural Resources Conservation Service Technical Guide Sec. IV, IL-648-1 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at IDNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included).
- n) Wildlife Wetland Habitat
  - 1) Use any of the preceding or following to establish, protect or improve shallow water wetland habitats for wildlife:
    - A) small low level berms;
    - B) drainage tile excavation;
    - C) water control (tubes/gates) structures;
    - D) minor excavation (heavy equipment/blasting);
    - E) plugging ditches;
    - F) island creation;
    - G) site preparation for natural and/or artificial regeneration;
    - H) establishment of grasses; and
    - I) control of undesirable vegetation (willows).

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- 2) Design and work must comply with the standards and specifications in the Natural Resources Conservation Service Illinois, Sec. IV, IL Tech Guide IL-611, June 1992 (no later editions or amendments are included)

## c) Water and Erosion Control Structures

- 1) Water and sediment control basin a short earth embankment generally constructed across the slope of minor water courses to collect and store water or sediment. This practice component is utilized where level terraces are not practical, usually because of topography. The design of the basin shall be in accordance with the specifications delineated in the Natural Resources Conservation Service Technical Guide, Sec IV, IL-611 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at DNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included).

- 2) Terrace a level short earth embankment extending the slope of minor (not to exceed 100 feet in length) watercourses to temporarily collect water, allowing sediment to drop before the water is released via a conduit structure or allowed to permeate into the ground over a reasonable length of time. Terraces are usually used in a series for maximum efficiency in trapping sediment and slowing water velocity. The design of terraces shall be in accordance with the specifications delineated in the Natural Resources Conservation Service Technical Guide, Sec. IV, IL-600 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at DNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included)

- 1) Channel waterway used by sloping areas vegetated with herbaceous plants used to convey runoff without causing erosion. The areas may also serve as inlets and outlets for terraces or water sediment control structures. The design of channel waterways shall be in accordance with the specifications delineated in the Natural Resources Conservation Service Technical Guide, Sec. IV, IL-412 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at DNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included)

## p) Ponds for the Enhancement of Fish and Wildlife Habitat

- Ponds earth embankments constructed to permanently collect water for the enhancement of fish and wildlife habitat. The capacity of the

## DEPARTMENT OF NATURAL RESOURCES

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basin shall be large enough to control the runoff expected for a 10 year, 24 hour frequency storm from the contributing drainage area without overtopping. Upon completion of these runoff events, the depth must meet the following minimums for 25% of the water area: Southern Illinois 7 feet; Central Illinois 8 feet; and Northern Illinois 10 feet. Cont share will not be provided if the water surface area following a runoff event is not at least one acre or exceeds 5 acres in size.

- 1) Structures will be:
- A) located and constructed so no pollution will be allowed to enter the water area;
  - B) protected to prevent livestock access to the water area; and
  - C) protected from soil erosion in the structure's watershed including the immediate shoreline.
- 2) Earth embankments must meet dam safety requirements as set out in 615 ILCS 5 and 92-111, Adm. Code 702. Natural wetlands cannot be converted to ponds. The design of the pond shall be in accordance with the specifications delineated in the Natural Resources Conservation Service Technical Guide, Sec. IV, IL-178 (June 1992). Published by the United States Department of Agriculture, Natural Resources Conservation Service. Copies are available at the County and Area Natural Resources Conservation Service offices and at DNR Forest Resources Office, 524 South Second Street, Springfield IL 62701 (no later editions or amendments are included).
- q) Community Tree Planting
- This practice shall be used to increase the planting of trees on public lands. This practice will not require the completion of an INRRP as detailed in Section 1522.50, Integrated Natural Resource Management Plans. Maps or a list specifying planting locations, species and schedule of care and maintenance activities will be required.
- 1) Trees must be planted on land owned or controlled by a unit of local government.
  - 2) Establishment of nurseries is prohibited.
  - 3) Trees must be a minimum of 1 1/2 inches in caliper for a single stem or a minimum of 1 inch per stem for multiple stem trees.
  - 4) Species and planting location (right tree in right location) must be approved by the DNR District Forester.
  - 5) Maps or lists specifying exact planting sites by street address or location within a park boundary must be provided (map sheets must be 8 1/2 x 11 inches and reproducible in black and white).
  - 6) The unit of local government must provide annual care and maintenance for 2 additional years after the year of planting. Unit of local government must provide written certification (annually) verifying care and maintenance.
  - 7) Trees that die during this period (see Section 1522.40(p)(6)) must be replaced with a comparable species and size.

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- 8) Unit of local government cost-share portion shall be in the form of additional trees meeting the standards of this subsection (g).
- 9) If planting is to be done by an outside contractor, that contractor must qualify as a small business.
- 10) All purchased planting stock, planting services and supplies must be contracted or purchased from firms that qualify as small businesses.

## r) Purchase of Plant Materials from Private Nurseries

- 1) Landowners may purchase plant materials from approved private nurseries. Reimbursement will be at the eligible cost-share rate not to exceed the established maximum per acre cost.
- 2) The private nurseries interested in providing plant materials under this program shall provide the following information to the Department's Division of Forest Resources:

A) Indicate their willingness to participate in the program no later than June 30 prior to the next spring planting season.

B) List the seed sources that will be used for this program.

Seed sources must be acceptable to the Department (see Sections 1522.40(d)(1) and (f)(1)).

C) Verify the size and root length of the plants.

D) Establish and provide a price list for the plant materials.

E) Guarantee that the shipping of seedlings to the landowner can be completed by:

Southern Illinois - March 31

Central Illinois - April 15

Northern Illinois - May 1

## s) Purchase of Easements

Cost-share may be used to acquire perpetual easements for conservation purposes if:

- 1) the easement is held by a governmental body or legally constituted not-for-profit organization;
- 2) the easement is for 30 years or is perpetual;
- 3) the easement conveys all development rights associated with the property;
- 4) the cost of the easement is established by appraisal and shall be no greater than the fair-market value of the easement; and
- 5) the easement contains a chain of reversion with the State of Illinois as the final reverttee.

**Section 1522.50 Integrated Natural Resources Management Plans**

- a) In addition to plans prepared by IDNR District Managers, a landowner or his/her representative may develop a management plan and submit it to their local IDNR District Manager for approval. Plans will include the appropriate items listed below. Plans and amendments must be approved by both the District Manager and the property landowner. (See Exhibit A for certification of plan.)

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- 1) Legal Description of Land to be Managed  
This description must include quarter section, section, township, range, county, and (if used by County Assessor's Office) property index or parcel number.
- 2) Map of the Area  
This must be a minimum scale of 8 inches to the mile and be reproducible as black and white copies.
- 3) Description of Area to be Managed (Resource Inventory)  
A description is required of existing conditions. This description should include (where appropriate) information on stand or field conditions, soils, species composition (plants and/or animals), cover types, water resources, etc.
- 4) Description of Surrounding Lands  
The existing use, land use zoning, and management of the surrounding lands must be considered when developing an INRMP. Therefore, a description of the lands adjacent to parcels proposed for management is required in order to assess the landscape context in which the lands proposed for management occur. Identification of the watershed in which the property lies and the general characteristics of that watershed should be included.

## 5) Landowner Goals and Management Objectives

This section of the plan shall include information on the landowner's short and long term objectives. This information should address (as appropriate) protection and restoration of natural resources (soil, water, plant/animal communities), recreational goals and economic goals.

## 6) Management Practice Schedule

This section of the plan will address recommendations necessary to achieve the landowner's management objectives. As appropriate, this section of the plan will provide recommendations regarding protection and restoration of soils, water resources, plant communities and/or animal communities.

## 7) Management Practices Implementation

This section of the plan will provide information on agency contacts (State, county and federal); sources of funding, equipment and plant materials; information on tax abatement opportunities; and detailed instructions for completing practices, including information on areas where practices are to be applied, costs, and timetable for completion. Information will also be included to inform the landowner on how to deal with known environmental, insect and/or disease problems.

## 8) Implementation Record

This portion of the plan will provide the landowner a section to record information on practices completed. This would include information regarding who did the work, date it was completed, costs, property location and area affected.

- b) To be eligible for participation in the Illinois Department of Natural



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Resources Cost-Share Program, INRMPs must meet the requirements of the Illinois Forestry Development Act found in 17 Illinois Administrative Code 1537. INRMPs must include those appropriate items listed in that Administrative Rule. Plans prepared in consultation with other natural resource agencies (Soil and Water Conservation Districts, Natural Resource Conservation Service, Resource Conservation and Development Districts) which provide the above information may, for the purposes of this Part, be considered INRMPs upon approval by the District Forester.

**Section 1522.60 Review of Completed Practices**

Upon completion of the practices, the landowner will submit to the DNR Regional Complex Coordinator receipts for all work performed and, where appropriate, copies of checks showing payments to a contractor. The appropriate DNR District Managers will complete their inspection and sign off on the practices within 30 days after receiving all necessary material from the landowner. Within 45 days after receipt of the landowner's material the DNR Regional Watershed Administrator will have an invoice voucher prepared and submitted for payment.

**Section 1522.70 Appeal**

- a) Any landowner whose plan or practice is not approved by the District Manager may appeal to the DNR Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrators of the Divisions of Forest Resources, Wildlife Resources, Natural Heritage and Fisheries, and the Ecosystem Project's Coordinators.
- b) The appeal must be made within 30 days from the date the plan or practice was disapproved by writing to the address listed in Section 1522.80.
- c) The Regional Review Committee will conduct a meeting to receive written and oral arguments of the applicant, and to reconsider the plan and cost-share practices.
- d) The Regional Review Committee will notify the applicant in writing within 30 days following the meeting date stating the reasons for which the original decision is upheld or reversed.

**Section 1522.80 Information**

Anyone wishing additional information concerning this Part may contact the IDNR Ecosystem Projects Coordinator.

Department of Natural Resources  
Office of Realty and Environmental Planning  
524 South Second Street  
Lincoln Tower Plaza

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Springfield, Illinois 62701-1787

**Section 1522.90 Penalty**

Each participant in the Conservation 2000 Natural Resources Cost-Share Program is responsible for complying with the terms and conditions stated in the INRMP and shall follow the provisions detailed in the plan. Refund of all cost-share payments made will be required if the INRMP is not followed and/or the practice is not maintained for its minimum lifespan (see Section 1522.20(b)(4)). Refund checks should be made payable to the Illinois Department of Natural Resources. Participants who refuse voluntary repayment will be subject to liens filed against their property or withholding of State payments by the Comptroller of Illinois.

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## DEPARTMENT OF NATURAL RESOURCES

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Section 1522.EXHIBIT A Integrated Natural Resources Management Plan  
Certification

LANDOWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

COUNTY: \_\_\_\_\_

ACRES UNDER MANAGEMENT: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

(FRACTIONAL QUARTER, QUARTER, SECTION, TOWNSHIP, RANGE,  
PRINCIPAL MERIDIAN)

I am the owner of the property for which this plan has been prepared. The plan meets my requirements. I will follow the recommendations to the best of my ability. If any changes in ownership or conditions of the managed area occur, I will notify the IDNR District Manager in writing within 30 days.

Note: Approval of this plan does not guarantee that all projected cultural practices will be approved for cost-share payments. Cost-sharing is provided as funds are available and priority for funding may be given based upon the type and duration of the practice. Applications for cost-share assistance must be approved by appropriate District Manager before practices are begun.

The landowner in the Conservation 2000 Natural Resources Cost-Share Program is responsible for complying with the terms and conditions stated in the Integrated Natural Resources Management Plan and the standards for the cost-share practices. Refund of all cost-share payments made will be required if practices are terminated prior to the lifespan of the practice.

Plan developed by: \_\_\_\_\_ Date: \_\_\_\_\_

Landowner acceptance: \_\_\_\_\_ Date: \_\_\_\_\_

IDNR District Manager approved: \_\_\_\_\_ Date: \_\_\_\_\_

IDNR District Manager approved: \_\_\_\_\_ Date: \_\_\_\_\_

IDNR District Manager approved: \_\_\_\_\_ Date: \_\_\_\_\_

IDNR District Manager approved: \_\_\_\_\_ Date: \_\_\_\_\_

< choose one or more >

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NEW PLAN \_\_\_\_\_ AMENDED PLAN \_\_\_\_\_ CANCEL PLAN \_\_\_\_\_

ADDRESS CHANGE \_\_\_\_\_ OTHER \_\_\_\_\_ (explain)

## DEPARTMENT OF NATURAL RESOURCES

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## Section 1522. EXHIBIT B Cost-Share Practices: Percent and Maximum Payments

1. The following practices are cost-shared at 75% of the actual cost not to exceed the maximum program payment:

PRACTICE	MAXIMUM PROGRAM PAYMENT
EXOTIC VEGETATION CONTROL.....	\$60/AC
FENCING	
WOVEN WIRE.....	\$12/ROD
BARBED WIRE (OR WOODEN SUBSTITUTE).....	\$11/ROD
SUSPENSION.....	\$6/ROD
HIGH TENSILE.....	\$9/ROD
FIELD WINDBREAKS ESTABLISHMENT	
TREE PLANTING.....	\$0.06/LIN.FT./ROW
FOREST & SHRUB ESTABLISHMENT	
SITE ESTABLISHMENT FOR PLANTING	
SEEDLINGS - DIRECT SEEDING.....	LEVEL 1 - \$30/A. LEVEL 2 - \$60/A. LEVEL 3 - \$90/A. LEVEL 4 - \$180/A.
TREE AND SHRUB PLANTING.....	\$95/A. (PLANTING COST ONLY)
DIRECT SEEDING.....	\$95/A.
SITE PREPARATION FOR NATURAL REGENERATION.....	\$50/A.
VEGETATION CONTROL.....	\$40/A. (HERBICIDES) \$60/A. (MULCH)
AGROFORESTRY.....	\$40/A.
FOREST STAND IMPROVEMENT	
THINNING.....	\$45/A.
PRUNING CROP TREES.....	\$75/A.
GRASS AND FORB ESTABLISHMENT	
WARM SEASON PLANTING.....	\$50/A.
WARM SEASON GRASSES/FORBS PLANTING.....	\$50/A.
COOL SEASON PLANTING.....	\$50/A.
SAVANNAH PLANTING.....	\$50/A.
PRAIRIE/SAVANNAH ENHANCEMENT.....	\$70/A.
HABITAT MODIFICATION FOR THREATENED AND ENDANGERED SPECIES.....	\$5/1000 SQ.FT.
OUTDOOR RECREATION ENHANCEMENT	
TRAIL DEVELOPMENT.....	\$0.20/LIN.FT.
AESTHETICS & VISTA PRUNING/THINNING.....	\$41/A.
PONDS FOR THE ENHANCEMENT OF FISH AND WILDLIFE HABITAT.....	\$500/SURFACE ACRE
PRESCRIBED BURNING.....	\$20/A.
REDUCING WILDLIFE DAMAGE	
TREE SHELTERS.....	\$150/A.



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REPELENTS.....\$15/A.  
ELECTRIC FENCE.....\$-50/FT.  
BUD PROTECTORS.....\$5/A.  
STREAM/STREAMBANK IMPROVEMENT & PROTECTION  
TREE/BUSH REVITMENTS.....\$25/LIN.FT.  
BANK COVER DEVICES.....\$25/LIN.FT.  
ARTIFICIAL RIFFLES.....\$3750/RIFFLE  
CURRENT DEFLECTORS.....\$1500/SERIES OF  
DEFLECTORS  
LIVESTOCK WATERING DEVICE.....\$1500/DEVICE  
MISC. HABITAT DEVICES.....\$25/LIN.FT.  
WILDLIFE HABITATS  
TRAVEL CORRIDORS.....\$0.12/LIN.FT./ROW  
NEST BOXES.....\$5/UNIT  
SNAG CREATION.....\$10/A.  
WILDLIFE WATERING FACILITY.....\$1800/FACILITY  
WILDLIFE WETLAND HABITAT.....\$500/A.  
WATER EROSION CONTROL STRUCTURES  
WATER AND SEDIMENT CONTROL BASIN.....EARTHWORK OVER 3 FT. -  
\$1.15/CU.YD.  
UNDER 3 FT - \$1.50/LIN.FT.  
SEEDING - \$150/A.  
MULCHING - \$185/A.  
TERRACE.....EARTHWORK - \$1.15/LIN.FT.  
SEEDING - \$150/A.  
MULCHING - \$185/A.  
GRASSED WATERWAY.....EARTHWORK, SEEDING  
& MULCHING - \$1125/A.  
COMMUNITY TREE PLANTING.....\$225/TREE PLANTED

2. The following practices are cost-shared at 100% of the actual cost based upon pre-established prices from IDNR approved private nurseries:

TREE AND SHRUB PLANT MATERIAL PURCHASES  
WARM SEASON GRASS SEED PURCHASES  
COOL SEASON GRASS SEED PURCHASES  
FORB SEED PURCHASES  
FORB/GRASS PLANT PURCHASES

3. The following practices are cost-shared at 100% of the actual cost based upon the appraised fair-market value of the easement:

PURCHASE OF EASEMENTS

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Section 1522.EXHIBIT C Application  
CONSERVATION 2000  
NATURAL RESOURCES COST-SHARE APPLICATION  
NAME/FIRM \_\_\_\_\_ PHONE # \_\_\_\_\_ - \_\_\_\_\_  
STREET \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
COST-SHARE AUTHORITY:  
PLAN DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ COUNTY \_\_\_\_\_ EXPIRES \_\_\_\_/\_\_\_\_/\_\_\_\_

A. ACRES; B. MAX. COST SHARE PER ACRE (in \$); C. PRACTICE TOTAL COST-SHARE (in \$(AxB)); D. DNR APPROVAL TO COMMENCE (INITIALS & DATE); E. OWNER'S COST (in \$); F. FEDERAL PROGRAM PAYMENT\* (Program Name) \_\_\_\_\_ (% of the Program Payment); G. COST-SHARE EARNED\*\*; H. DNR FIELD INSPECTOR/APPROVAL (INITIALS & DATE)

PRACTICE DESCRIPTION - A, B, C, D, E, F, G, H  
1.  
2.  
3.  
4.  
5.  
6.  
7.  
8.  
TOTAL

\*list the concurrent program, \*\* earned amount not to exceed E.; to compute the Earned Cost-Share following determination of the federal payment (F.), the balance of the unpaid basis shall be multiplied by the cost-share rate for the practice.

APPLICANT'S CERTIFICATION:  
I request cost-sharing to perform the practices shown above. I agree to perform this practice under the Administrative Rules of this program (17 Ill. Adm. Code 1522) and according to the natural resource management plan, unless prevented from doing so for reasons beyond my control. Upon satisfactory completion of the practice(s) the payment will be \_\_\_\_\_% of my actual cost not to exceed the established cost-share limits published by the Department. I will provide the necessary receipts and documents as required to show my expenses. I have read and agree to the legal requirements listed on this form. I agree that the practices cost shared under this agreement shall be in effect for a minimum of \_\_\_\_\_ years except as allowed under the Administration Rules. I understand, should I fail to maintain the above

## DEPARTMENT OF NATURAL RESOURCES

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practices or elect to discontinue participation, I will refund all cost-share payment made to me for the practices effected.

Under penalties of perjury, I certify that the number below is my correct Federal Taxpayer Identification Number. My business status is:

Individual \_\_\_\_\_  
Corporation \_\_\_\_\_  
Governmental Entity \_\_\_\_\_  
Foreign, Corporation, Partnerships \_\_\_\_\_  
Sole Proprietorship Not-for-Profit Corporation \_\_\_\_\_  
Tax Exempt Organization \_\_\_\_\_  
Estate, Trust \_\_\_\_\_  
Partnership \_\_\_\_\_  
Medical & Health Care \_\_\_\_\_  
(ICR 501(a) only) \_\_\_\_\_  
Other \_\_\_\_\_  
Estate of Legal Trust \_\_\_\_\_  
Services Provider Corporation \_\_\_\_\_  
Non-resident Alien Individual \_\_\_\_\_

TAX ID NUMBER: SOC. SEC. # \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ OR FEIN # \_\_\_\_\_ / \_\_\_\_\_

The Applicant certifies that it is not barred from being awarded a contract or subcontract under Section 10.1 or 10.3 of the Illinois Purchasing Act [30 ILCS 505/10.1 and 10.3]

The Applicant certifies that it has not been barred from contracting with a unit of State or local government as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 [720 ILCS 5/33E-3 and 33E-4].

The Applicant certifies that it is not in default on an educational loan as provided in Public Act 85-827 [5 ILCS 385] (a partnership shall be considered barred if any partner is in default on an educational loan).

The Applicant is not prohibited from selling goods or services to the State of Illinois because it pays dues or fees on behalf of its employees or agents or subsidizes or otherwise reimburses them for payment of their dues or fees to

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any club which unlawfully discriminates [775 ILCS 25].

**RETENTION OF RECORDS:** Applicant shall maintain, for a minimum of 5 years after completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; that the contract and all books, records, and supporting documents related to the contract shall be available for review and audit by the Auditor General pursuant to PA 87-991; and that the contractor agrees to cooperate fully with any audit conducted by the Auditor General and to provide full access to all relevant materials. Failure to maintain books, records and supporting documents required by this Section shall establish presumption in favor of the State for recovery of any funds paid by the State under the contract for which adequate books, records, and supporting documentation are not available to support their purported disbursement.

The Applicant certifies that it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has the Applicant made an admission of guilt of such conduct which is a matter of record, nor has an official, agent, or employee of the applicant been so convicted nor made such admission of bribery on behalf of the firm and pursuant to the direction or authorization of a responsible official of the firm. (See 30 ILCS 505/10.1.)

The Department of Natural Resources does not discriminate on the basis of race, color, sex, national origin, age, or handicap in admission to, or treatment of, employment in programs or activities in compliance with the Illinois Human Rights Act the Illinois Constitution, TITLE VI or the 1964 Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, as amended, and the U.S. Constitution. The Equal Employment Opportunity Officer is responsible for compliance and may be reached at 217/782-7616.

This certification is required by the Drug Free Workplace Act [30 ILCS 580] for contracts and grants. The Drug Free Workplace Act requires that no grantee or contractor shall receive a grant or be considered for the purposes of being awarded a contract for the procurement of any property or services from the State unless that grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of the contract or grant and debarment of contracting or grant opportunities with the State for at least one year but not more than 5 years.

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The Applicant certifies and agrees that it will provide a drug free workplace by:

- a) Publishing a statement:
  - 1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the grantee's or contractor's workplace.
  - 2) Specifying the actions that will be taken against employees for violations of such prohibition.
  - 3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
    - A) abide by the terms of the statement; and
    - B) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
- b) Establishing a drug free awareness program to inform employees about:
  - 1) the dangers of drug abuse in the workplace;
  - 2) the grantee's or contractor's policy of maintaining a drug free workplace;
  - 3) any available drug counseling, rehabilitation, and employee assistance programs; and
  - 4) the penalties that may be imposed upon an employee for drug violations.
- c) Providing a copy of the statement required by (a)(1) above to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
- d) Notifying the contracting or granting agency within 10 days after receiving notice under (a)(3)(B) above from an employee otherwise receiving actual notice of such conviction.
- e) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by Section 5 of the Drug Free Workplace Act.
- f) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.
- g) Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.
- h) Individuals: If applicant is an individual, or an individual doing business in the form of sole proprietorship, the individual certifies that the individual will not engage in unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the performance of the contract. Vendor certifies that it will not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the performance of the contract. This requirement applies to contracts of more than \$5,000.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

For contracts exceeding \$10,000 the applicant certifies that neither it nor any substantially-owned affiliated company is participating or shall participate in an international boycott in violation of the provisions of the U.S. Export Administration Action of 1979 or the regulations of the U.S. Department of Commerce promulgated under that Act.

Applicant, its employees and subcontractors, agree not to commit unlawful discrimination and agree to comply with the applicable provisions of the Illinois Human Rights Act [775 ILCS 5], the Public Works Employment Discrimination Act [775 ILCS 10], the U.S. Civil Rights Act (42 U.S.C. 1981 et seq.) and Section 504 of the Federal Rehabilitation Act.

The Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and the regulations thereunder (28 CFR 35.130)(ADA) prohibit discrimination against persons with disabilities by the State whether directly or through contractual arrangements, in the provision of any aid, benefit or service. As a condition of receiving this contract, the undersigned vendor certifies that services, programs and activities provided under this contract are and will continue to be in compliance with the ADA.

For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership or other entity with 25 or more employees at the time of issuing the grant, or a department, division, or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State.

Pursuant to 775 ILCS 5/2-105(A)(4), applicant shall have written sexual harassment policies that shall include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State Law; (iii) a description of sexual harassment, utilizing examples; (iv) the applicant internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department of Human Rights and the Human Rights Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act. A copy of the policies shall be provided to the Department upon request.



DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED RULES

THE UNDERSIGNED, UNDER PENALTIES OF PERJURY, IS AUTHORIZED TO EXECUTE THIS CERTIFICATION ON BEHALF OF THE DESIGNATED ORGANIZATION/PERSON.

Printed Name of Organization/Person

Signature of Authorized Representative

Printed Name and Title

Date

Approval for Payment:

Partnership Coordinator

Date

This State is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under 720 ILCS 5/33E-12. Disclosure of this information is REQUIRED. Failure to provide any information will result in this form not being processed. This form has been approved by the DNR Forms Management Center.

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) Section Numbers: 590.10  
590.80  
Adopted Action:  
Amendments  
Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
- 5) Effective Date of Rulemaking: January 2, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: January 2, 1998
- 9) Notice of Proposal Published in Illinois Register: September 19, 1997, 21 Ill. Reg. 12805
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 590.10 was amended to allow snow goose and blue goose hunting in areas of Alexander and Union Counties near wildlife refuges. For years, snow and blue geese were uncommon in Illinois, but their population, in excess of 100,000 were present on Horseshoe Lake Fish and Wildlife Area and the Union County Waterfowl Refuge. A change in harvesting procedures on the two State areas will provide feed for Canada Geese while allowing the economical and recreational benefits of hunting the late-arriving blue and snow geese. Section 590.80(e) is being amended to correct an error involving Mississippi River Pool 23. This Pool was incorrectly identified and was changed to Mississippi River Pool 24.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

Section

590.10 Statewide Regulations  
590.15 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed sites  
590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting  
590.25 Illinois Youth Waterfowl Hunting Permit Requirements  
590.26 Illinois Youth Duck Hunting Permit Requirements (Repealed)  
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)  
590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting  
590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting  
590.60 Various Other Department Sites - Duck, Goose and Coot Hunting  
590.70 Ohio River  
590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency

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expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective JAN 02 1998.

## Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal

Regulations (50 CFR 20) unless the regulations in this rule are more restrictive.

- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.

- e) Emergency Closure  
The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

- f) Closed Areas  
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.

- g) Commercial Migratory Waterfowl Hunting Area Permits

- 1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.
- 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.
- 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.

- h) Waterfowl Hunting Zones:

- 1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
- 2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.
- 3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County



## DEPARTMENT OF NATURAL RESOURCES

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line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.

5) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.

6) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.

7) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.

8) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, Dupage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.

9) Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.

i) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily.

j) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.

k) The following apply in the Northern and Central Illinois Quota Zones:

1) It is unlawful to hunt Canada geese during seasons starting after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.

2) Immediately upon taking possession of a harvested Canada goose, hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested).

3) Hunters must report their kill within 24 hours by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.

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1) During any goose seasons that occur after the close of the Canada goose season the following areas within Union and Alexander Counties are closed to goose hunting:

1) Alexander County - that area encompassed by a line beginning at the intersection of Ben Small-Bevee Road and Payville Road and extending easterly along Payville Road to State Route 37, easterly along State Route 37 to Railroad Street, northeasterly along Railroad Street to Sandy Ridge Road, easterly along Sandy Ridge Road to State Route 127, southerly along State Route 127 to State Route 37, southerly along State Route 37 to Miller City Road, westerly along Miller City Road to Ben Small-Bevee Road, northeasterly along Ben Small-Bevee Road to the intersection of Payville Road.

2) Union County - that area encompassed by a line beginning at the intersection of the Union County/Alexander County line and State Route 127 and extending westerly along the Union County/Alexander County line to Mississippi River-Bevee Road, northerly along the Mississippi River-Bevee Road to Dam Road, easterly along Dam Road to Ware-Wolf-Bake Road, easterly along Ware-Wolf-Bake Road to State Route 146, easterly along State Route 146 to State Route 127, southerly along State Route 127 to the Union County/Alexander County line.

1) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.

(Source: Amended at 22 Ill. Reg. 2182 effective JAN 02 1998)

# Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:

- 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (\*).
- 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
- 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
- 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.

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- 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
- 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
- 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.

b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area @

Cache River Natural Area \*

Carlyle Lake Project Lands and Water \*

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area \*

Fort de Chartres Historic Site

Kaskaskia River State Fish and Wildlife Area (between the Highway 13 and Highway 154 bridges) \*

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except lands and waters covered in Section 590.60(b)(18))

Marshall Fish and Wildlife Area \* #

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) @

Mississippi River Pools 16, 17 and 18 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

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Saline County Conservation Area \*

Sanganois State Fish and Wildlife Area \* @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Sparland Fish and Wildlife Area #

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area \*

Woodford Fish and Wildlife Area \* #

c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) \* @

Horseshoe Lake Fish and Wildlife Area (Controlled Hunting Area and Public Hunting Areas)

Horseshoe Lake State Park (Madison County) #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit)

Ray Norbut State Fish and Wildlife Area \*

Rice Lake (closed after regular duck season) \* @

Union County Fish and Wildlife Area (Firing Line Management Area and Controlled Hunting Area)

d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh \* @

Braidwood State Fish and Wildlife Area \*

Clinton Lake

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- Heidecke State Fish and Wildlife Area \*
- Kankakee River State Park
- Lake DePue Fish and Wildlife Area \*
- Lake Sinissippi Fish and Wildlife Area
- Pekin Lake Fish and Wildlife Area
- Sangchris Lake State Park \*
- Spring Lake Fish and Wildlife Area \*
- Starved Rock State Park \*
- e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:
- Mississippi River Pools 21, 22 and 24 23 @
- Stephen A. Forbes State Park \*
- Snake Den Hollow \* @
- William W. Powers Conservation Area
- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:
- Campbell Pond Wildlife Management Area
- Donnelley Fish and Wildlife Area
- Mazonia State Fish and Wildlife Area \*
- Meredosia Lake (Cass County portion only, meandering waters only)
- Mermet Lake Fish and Wildlife Area
- Powerton Reservoir
- Redwing Slough/Deer Lake
- Shawnee Forest, Upper and Lower Bluff Lakes
- (Source: Amended at 22 Ill. Reg. 2102, effective JAN 02 1998)

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys - Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) Section Numbers: Adopted Action:  
710.10 Amendments  
710.20 Amendments  
710.22 Amendments  
710.28 New Section  
710.30 Amendments  
710.50 Amendments  
710.55 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) Effective Date of Rulemaking: January 2, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: January 2, 1998
- 9) Notice of Proposal Published in Illinois Register: October 10, 1997, 21 Ill. Reg. 13465
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
- Sections 710.5, 710.21, 710.25, and 710.60 were removed as they were not being amended.
- In Section 710.10, "1988" was changed to "1998" in 3 places.
- In Section 710.20(c), "from the" was stricken, and "date on which they become available" was removed.
- In Section 710.20(h), "\$3.00" was changed to "\$3".
- In Section 710.22(e), "\$15.00" was changed to "\$15" and "\$25.00" was changed to "\$25".
- In Sections 710.22(f)(4) and (g)(2), "Agricultural Stabilization and Conservation Service" was replaced with "USDA Natural Resource Conservation Service".



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In Section 710.28(a), the commas following "age" and "birthday" were removed; "state" was changed to "Department"; and the quotes were removed.

In Section 710.28(c), "agency" was changed to "Department"; "\$10.00" was changed to "\$10"; and "to be" was added prior to "submitted" in the last line.

In Section 710.28(g), "in the same name" was replaced with "from the same person."

In Section 710.28(j), the quotes were removed.

In Section 710.55, "regulations" was changed to "site accessibility practices."

In Section 710.55, Mississippi Palisades, "fourth" was changed to "4th"; "(1)" was removed; and "Hunters must sign in and out.)" was added.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part include opening new counties, changing application periods for permits, clarifying language about the regulations on archery equipment, opening and closing State-owned or -managed sites to the spring turkey season, creating a youth turkey hunt, and changing regulations and application procedures on the sites.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER e: LAW ENFORCEMENT

## PART 710

## THE TAKING OF WILD TURKEYS - SPRING SEASON

## Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements - Special Hunts (Renumbered)
710.22	Turkey Permit Requirements - Landowner/Tenant Permits
710.25	Turkey Permit Requirements - Special Hunts
710.28	Turkey Permit Requirements - Heritage Youth Turkey Hunt
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department Owned or Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective JAN 0 2 1998.

## Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

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- 1st Season: Monday, April 13~~14~~ - Friday, April 17, 1998  
18~~7~~-1997
- 2nd Season: Saturday, April 18~~19~~ - Thursday, April 23, 1998  
14~~7~~-1997
- 3rd Season: Friday, April 24~~25~~ - Friday, May 1, 1998  
27  
1997
- 4th Season: Saturday, May 23 - Wednesday, May 13, 1998  
14~~7~~  
1997
- b) Southern Zone Season Dates:
- 1st Season: Monday, April 6~~7~~ - Friday, April 10, 1998  
11~~7~~  
1997
- 2nd Season: Saturday, April 11~~12~~ - Thursday, April 16, 1998  
17~~7~~-1997
- 3rd Season: Friday, April 17~~18~~ - Friday, April 24, 1998  
25~~7~~-1997
- 4th Season: Saturday, April 25~~26~~ - Wednesday, May 6, 1998  
7~~7~~-1997
- c) Open Counties:

## NORTHERN ZONE

Adams  
 Boone  
 Brown  
 Bureau  
 Calhoun  
 Carroll  
 Cass  
 Christian  
 Clark  
 Coles  
 Cumberland  
 Fulton  
 Greene  
 Grundy  
 Hancock  
 Henderson  
 Henry  
 Jersey  
 Jo Daviess  
 Kane  
 Kane  
 Knox  
 LaSalle  
 Lee  
 Macoupin  
 Marshall-Putnam  
 Mason  
 McDonough  
 Menard  
 Mercer

SOUTHERN ZONE

Alexander  
 Bond  
 Clay  
 Clinton  
 Crawford  
 Edwards  
 Effingham  
 Fayette  
 Hamilton  
 Gallatin-Hardin  
 Jackson  
 Jasper  
 Jefferson  
 Johnson  
 Lawrence  
 Madison  
 Marion  
 Massac  
 Monroe  
 Perry  
 Pope  
 Pulaski  
 Randolph  
 Richland  
 Saline  
 St. Clair  
 Union  
 Wabash  
 Washington  
 Wayne  
 White

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Williamson

(Source: Amended at 22 Ill. Reg. 21.12, effective JAN 02 1998)

## Section 710.20 Statewide Turkey Permit Requirements

a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15.00. Non-resident turkey hunters shall be charged \$75.00 for the first wild turkey hunting permit, and \$25.00 for each additional permit. Residents, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Natural Resources - Turkey  
524 S. Second Street, Room 210  
P.O. Box 19446

Springfield, Illinois 62794-9446

b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

c) Applications from Illinois residents will be accepted from the through December 1 first--working--day--after--New-Year's--Day--until--the--tenth--working--day--of--the--month. Applications received in the permit office that--are--postmarked after December 1 the--tenth--working--day will be returned--and--will--not--be included in the next computerized drawing. All requests must be on an official application form. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield in which the--first--choice--of--seasons--will--be--allocated--before--the--second--or--third--choices--are--considered. Applicants rejected in this drawing will receive preference in the next year's drawing for spring season permits subject to guidelines outlined in subsection (g) (f).

d) Permits not issued during the first computerized drawing will be available in a second computerized lottery drawing random--daily--drawing--beginning--the--first--Wednesday--after February--1st. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits.

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e) Any permits remaining after the second lottery drawing will be available in a third lottery drawing to any hunter who has not received a permit, and to hunters that have received only one permit. Applications for this third drawing will be accepted through the first working day after February 8. Applications received after this date will be included in the next drawing not--issued--as--of--the--second--Monday--in--March--will--also--be--available--in--a--random--daily--drawing--to--those--hunters--who--have--previously--received--one--permit.

f) Permits remaining after the three lotteries will be available in a random daily drawing that begins the first working day after March 8. All applications received on or before the first working day after March 8 will be processed in the first daily drawing. This drawing period is open to hunters applying for their first, second, or third permits.

g) The following criteria must be met to obtain preference in the first computerized drawing:

- 1) The applicant must apply using the official agency application.
- 2) The applicant must be a resident of the State, be eligible to receive a spring turkey permit, and not had turkey hunting privileges revoked.
- 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).

h) A \$3.00 service fee will be charged for replacement permits issued by the Department.

i) It shall be unlawful to:

- 1) Submit applications before the second computerized lottery drawing for Monday--in--March--for--receiving more than one permit for the same person, and thereafter, submittal of applications for receiving more than three permits for the same person. Applicants--may--apply--for--up-to--two--additional--permits--prior--to--the--second--Monday--in--March--if--the--application--and--the--outside--of--the--envelope--are--marked--"Application--for--March--Brewing--Additional--Permit."--Such--applications--will--not--be--processed--until--the--second--Monday--in--March.
- 2) Submit applications before the third computerized lottery drawing for more than two permits for the same person.
- 3) Apply for or receive more than three permits for the spring turkey season.
- 4) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended 22 Ill. Reg. 21.12, effective JAN 02 1998)



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**Section 710.22 Turkey Permit Requirements - Landowner/Tenant Permits**

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowners/tenants that do not reside on the property must possess a valid hunting license. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50.
- d) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 31 days encompassed by the 4 seasons, but allow the taking of only one wild turkey.
- e) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first working day after February 8), and a third permit in the Random Daily Drawing period that begins the first working day after March 8 up-to two-additional-county-wide-permits-from-any-permits-not-issued-as-of the-second-Monday-in-March-in-a-random-daily-drawing. Fees for these additional permits shall be \$15.00 for residents and \$25.00 for nonresidents.
- f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
- 1) Submittal of a copy of property deed;
  - 2) Submittal of a copy of contract for deed;
  - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
  - 4) Submittal of a copy of the authorized form from the USDA Natural Resource Conservation Service ~~either an--an--Agricultural Stabilization--and--Conservation--Service--Form--476--or--Commodity Credit--Corporation--Form--477.~~ or
  - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) Submittal of a copy of a lease (not a hunting rights lease) or

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) Submittal of a copy of the authorized form from the USDA Natural Resource Conservation Service ~~either an--an--Agricultural Stabilization--and--Conservation--Service--Form--476--or--Commodity Credit--Corporation--Form--477.~~
- h) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate families may receive turkey permits.
- i) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

(Source: Amended at 22 Ill. Reg. 2192, effective JAN 08 1998)

**Section 710.28 Turkey Permit Requirements - Heritage Youth Turkey Hunt**

- a) The Heritage Youth Turkey Hunt is defined as a youth-only turkey hunt. The Heritage Turkey Hunt is open only to Illinois residents who will be at least 10 years of age but not have reached their 16th birthday by the start of the Heritage Turkey Hunt. All participating youths must have completed a Department-approved Hunter Education course. All youth hunters must have a current, valid Heritage Youth Turkey Permit (\$10). For permit application and other information write to:
- Illinois Department of Natural Resources  
Division of Education  
Public Events & Promotions  
524 S. Second Street, Room 530  
Springfield, IL 62701-1787
- b) This program is co-sponsored by the Illinois Department of Natural Resources and the National Wild Turkey Federation (NWTFF) and its member chapters. Applicant cannot be a son, daughter, brother or

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- c) sister of a National Wild Turkey Federation chapter committee member. Each applicant must complete the official Department Heritage Youth Turkey Permit application and submit it to a local NWTF chapter. The NWTF chapter will determine which application will be submitted to the Department. Only one application per NWTF chapter will be accepted by the Department. No application will be accepted by the Department which does not have an NWTF chapter endorsement and a \$10 permit fee. Chapters may submit an alternate application in case the first applicant cannot make the event. "ALTERNATE APPLICATION" must be printed above the youth's name on the application. The alternate application does not require a permit fee to be submitted with the application.
- d) The NWTF chapter selection process must be open to the public.
- e) The season date(s) and open county(ies) will be determined annually by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county permit quotas. The dates of the application period for permits will be publicly announced annually by the Department.
- f) The applicants must be Illinois residents and not have had their turkey hunting privileges suspended or revoked in this State.
- g) If more than one application for an Illinois Heritage Youth Turkey Hunt permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.
- h) Successful applicants will be notified by mail when and where they should report to receive their permit. Permits shall be issued at the time of the hunt. All permit holders shall be required to attend an instructional session preceding the hunt.
- i) Each Illinois Heritage Youth Turkey Hunt permit holder is required to be accompanied by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (F.O.I.D.) card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult is not allowed to hunt, but may call.
- j) The Heritage Youth Turkey Hunting Permit will only be valid for the date(s) and county(ies) listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting.

(Source: Added at 22 Ill. Reg. 210.30, effective JAN 02 1998)

## Section 710.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);
- b) to take any wild turkey except a hen with a visible beard or a gobbler (male);
- c) to take, or attempt to take, more than three wild turkeys during the

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- spring season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch drawn-arrow-with-a-metal barbed broadhead that cannot pass through a 7/8-inch-diameter--hole is--the--only--legal--arrow. Minimum arrow length is 20 inches and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbed and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint, chert, or obsidian-napped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal;
- e) to hunt except from 1/2 hour before sunrise to noon during each day of the season;
- f) for any person having taken the legal limit of wild turkey(s) to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
- g) for any person to possess while in the field during wild turkey season any turkey permit issued to another person (permits are non-transferable);
- h) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill and before the turkey is moved, transported or field dressed. The wild turkey shall be taken whole (or field dressed) to the designated check station for the county in which it was killed, or the closest check station, by the hunter in person, by 2:00 P.M. the same day it was killed. It will be checked, tagged and recorded by the Department at the check station; for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;
- i) for any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature recorded on the permit and carried on the person while hunting;
- k) for any person to use a turkey call that imitates sounds made by a turkey or to attempt to call a turkey by making these sounds while in the field from March 15 through the day before turkey season in counties open to turkey hunting.

(Source: Amended at 22 Ill. Reg. 210.50, effective JAN 02 1998)

## Section 710.50 Regulations at Various Department Owned or Managed Sites

- a) Hunters must sign in/sign out at all sites in subsections (b) and (c)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- which are followed by a (1).  
 b) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)  
 Argyle Lake State Park (1)  
 Cache River State Natural Area (1)  
 Campbell Pond Wildlife Management Area  
 Carlyle Lake Wildlife Management Area  
Cypress Pond State Natural Area (1)  
 Dog Island Wildlife Management Area (1)  
 Ferne Clyffe State Park - Cedar Draper Bluff Hunting Area (1)  
 Fort de Chartres State Historic Site (muzzleloading shotgun or archery only) (1)  
 Franklin Creek State Park (1)  
 Giant City State Park (1)  
 Horseshoe Lake Conservation Area - Alexander County (controlled goose hunting area and public hunting area only)  
 I-24 Wildlife Management Area (1)  
 Jubilee State Park (archery only) (1)  
 Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road) (1)  
 Kinkaid Lake Fish and Wildlife Area (1)  
 Mark Twain National Wildlife Refuge, Gardner Division  
 Mississippi River Fish and Wildlife Area (Pools 25 and 26 ~~217-227~~ 247-257-26)  
 Mississippi River Pools ~~Pool~~ 16, 17, 18, 21, 22, and 24 ~~-6-10~~  
 Oakford Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

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Pere Marquette State Park (designated area only) (1)  
 Ray Norbut Fish and Wildlife Area (1)  
 Rend Lake State Fish and Wildlife Area  
 Saline County Fish and Wildlife Area (1)  
 Sanganois Conservation Area  
 Trail of Tears State Forest (1)  
 Turkey Bluffs State Fish and Wildlife Area (1)  
 Union County Conservation Area - Firing Line Unit and Public Hunting Area only (1)  
 Weinberg-King State Park (1)  
 Wildcat Hollow State Forest (1)  
 c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.  
Apple River Canyon State Park (1)  
 Beaver Dam State Park  
 Big Bend State Fish and Wildlife Area (1)  
 Big River State Forest (1)  
 Castle Rock State Park (1)  
 Chauncey Marsh  
 Crawford County Conservation Area  
 East Conant  
 Ferne Clyffe Hunting Area (1)  
Fort Massac State Park (Youth Ages 10-15 only) (1)  
 Fox Ridge State Park ~~(first-2-seasons-only)~~ (1)



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Green River State Wildlife Area (1)

Hamilton County Conservation Area

Harry 'Babe' Woodyard State Natural Area (1)

Hidden Springs State Forest (first 2 seasons only) (1)

Johnson-Sauk Trail State Park (1)

Kickapoo State Park (1)

Lake Shelbyville-Corps of Engineers Managed Lands (Shelby County)

~~Little Vermilion River-Natural Area (1)~~

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marshall Fish and Wildlife Area (1)

Mernett Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closes after the second Sunday of the fourth season; fourth season permits will be limited to those remaining after the disabled hunt drawing) (1)

Panther Creek Conservation Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Ramsey Lake State Park (1)

Randolph County Conservation Area (1)

Red Hills State Park

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

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Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sato

Siloam Springs State Park (1)

Site M

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Witkowski State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 22 Ill. Reg. 97.00, effective JAN 02 1998)

Section 710.55 Special Hunts for Disabled Hunters

Statewide regulations shall apply; season dates shall be the 4th season. Permit applications may be obtained from the appropriate Illinois Department of Natural Resources regional office, and completed applications must be returned to that office by December 1. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. Additional site accessibility practices will be publicly announced.

Mississippi Palisades State Park (closes after the second Sunday of the 4th season) (Hunters must sign in and out.)

(Source: Added at 22 Ill. Reg. 97.00, effective JAN 02 1998)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Subacute care Hospital Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 270
- 3) Section Numbers: Adopted Action:  
270.1200 Amendments
- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]
- 5) Effective Date of Rules: January 15, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain Any Incorporations By Reference? No
- 8) Date Filed in Agency's Principal Office: January 15, 1998
- 9) Date Notice(s) of Proposal was Published in Illinois Register: April 11, 1997 - 21 Ill. Reg. 4393
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No
- 11) Difference Between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:  
  
None  
  
The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:  
  
None  
  
In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.
- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Rules: The rules in part 270 establish standards

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for facilities participating in the subacute care demonstration program under the Alternative Health Care Delivery Act [210 ILCS 3]. The proposed amendments implement Public Act 89-393, effective August 20, 1995, which amended the Alternative Health Care Delivery Act (Act) to allow certain alternative health care models to be licensed without obtaining a Certificate of Need from the Health Facilities Planning Board (Board).

Section 270.1200 is being amended to state that an application for licensure must include proof of a Certificate of Need or proof of compliance with Section 36.5 of the Act.

Under Section 36.5 of the Act, a Subacute Care Hospital Model will be exempt from obtaining a Certificate of Need if: (1) the application was filed with the Board prior to September 1, 1994; (2) the application was received by the Board and was awarded at least the minimum number of points required for approval by the Board or, if the application was withdrawn prior to Board action, the staff report recommended at least the minimum number of points required for approval by the Board; and (3) the applicant complies with all regulations of the Illinois Department of Public Health to receive a license pursuant to Section 35 of the Act.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043.

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

## PART 270

## SUBACUTE CARE HOSPITAL DEMONSTRATION PROGRAM CODE

Section	Definitions
270.1000	Statutes and Rules Referenced
270.1050	Demonstration Program Elements
270.1100	Application for and Issuance of a License to Operate a Subacute Care Hospital Model
270.1200	Obligations and Privileges of Subacute Care Hospital Models
270.1300	Inspections and Investigations
270.1400	Notice of Violation and Plan of Correction
270.1500	Adverse Licensure Action
270.1600	Admission Practices
270.1700	Patient Assessment
270.1800	Comprehensive Care Plan
270.1900	Patient's Rights
270.2000	Patient Care Services
270.2100	Personnel
270.2200	Quality Assessment and Improvement
270.2300	

**AUTHORITY:** Implementing and authorized by the Alternative Health Care Delivery Act (210 ILCS 3).

**SOURCE:** Adopted at 18 Ill. Reg. 2424, effective January 28, 1994; amended at 19 Ill. Reg. 6315, effective May 1, 1995; amended at 22 Ill. Reg. 1211, effective JAN 15 1998.

### Section 270.1200 Application for and Issuance of a License to Operate a Subacute Care Hospital Model

- a) The applicant shall be licensed as a skilled nursing home or a pediatric skilled nursing home pursuant to the Nursing Home Care Act or as a hospital pursuant to the Hospital Licensing Act or be a Designated Site.
- b) Applications for a license to operate a subacute care hospital model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
  - 1) Proof of a Certificate of Need to establish and operate a subacute care hospital model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act (111--Rev--Stat--1991--ch--111--1/27--para--1151-et-seq.) (20 ILCS 3960) or proof of compliance with Section 36.5 of the Act;
  - 2) The name and address of the hospital, skilled nursing home or

## DEPARTMENT OF PUBLIC HEALTH

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Designated Site's licensee, which shall be the name of the Model licensee;

- 3) The name of the proposed Model;
  - 4) The address of the proposed Model, if it is a freestanding free standing building;
  - 5) A precise description of the site of the proposed Model, and if it is located within the hospital or skilled nursing home, the room numbers of those rooms which will be used as subacute care beds;
  - 6) The number of subacute care beds;
  - 7) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model license; and
  - 8) The name of the person or persons under whose management or supervision the facility will be operated.
- c) An application for initial licensure shall be accompanied by an application fee of \$500 plus \$100 for each subacute care hospital model bed.
- d) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- e) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year.
- 1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application;
  - 2) The license shall become automatically void and shall be returned to the Department if the facility's hospital or skilled nursing home license is revoked, nonrenewed or relinquished, denied, forfeited or suspended.
- f) An application for license renewal shall be filed with the Department 90-120 days prior to the expiration of the license, on forms provided by the Department.
- 1) The renewal application shall comply with the requirements of subsections (a), (b) and (c) of this Section; and
  - 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (e) of this Section.
- g) The Department may issue a provisional license to any subacute care hospital model that does not substantially comply with the provisions of the Act and this Part:
- 1) A provisional license may be issued only if the Department finds that:
    - A) The model has undertaken changes and corrections which upon completion will render the model in substantial compliance with the Act; and



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- B) The health and safety of the patients in the model will be protected during the period for which the provisional license is issued. (Section 30 (c) of the Act)
- 2) The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:
- A) The manner in which the model fails to comply with the provisions of the Act;
  - B) The changes and corrections that shall be completed;
  - C) The time within which the necessary changes and corrections shall be completed (Section 30 (c) of the Act); and
  - D) The interim actions that are necessary to protect the health and safety of the patients.
- h) The Subacute Care Hospital Model license or provisional license shall be prominently displayed in an area accessible to the public.
- i) Except for the Designated Site, a Subacute Care Hospital Model licensed under this Part shall operate in conformance with the Hospital Licensing Act or Nursing Home Care Act, and the rules promulgated thereunder, corresponding to its primary facility license, for all matters and requirements not specifically addressed in this Part.
- j) The Designated Site shall comply with the operational requirements of the Nursing Home Care Act and the rules promulgated thereunder unless the Designated Site obtains a license to operate as a different type of health care facility, in which case the Designated Site must comply with the licensing requirements for that type of facility. The Designated Site need not be licensed as a nursing home.

(Source: Amended at 22 Ill. Reg. 2207, effective  
JAN 15 1998)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Countdown
- 2) Code Citation: 11 Ill. Adm. Code 317
- 3) Section Number: 317.50 Adopted Action: Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: January 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: December 29, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 12084 - 9/5/97
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The word "Countdown" was capitalized in subsection (a).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking adds a provision to allow distribution of the daily net pool if fewer than 3 Countdown contests are canceled or declared "no contest".
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
312/814-5070

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
 SUBTITLE B: HORSE RACING  
 CHAPTER I: ILLINOIS RACING BOARD  
 SUBCHAPTER a: GENERAL RULES

PART 317  
 COUNTDOWN

## Section

317.10 General  
 317.20 Pool Calculations  
 317.30 Dead Heats  
 317.40 Scratches  
 317.50 Cancellation  
 317.60 Carryover Cap  
 317.70 Mandatory Distribution

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 6572, effective May 19, 1997; amended at 22 Ill. Reg. 2212, effective JAN 01 1998.

## Section 317.50 Cancellation

a) The Countdown pool shall be canceled and all Countdown wagers for the individual performance shall be refunded if three or more contests included as part of the Countdown wager are canceled or declared "no Contest".

a) ~~the field of contestants in any of the designated Countdown contests is reduced by scratches to fewer than five contestants.~~

b) ~~If one or two contests included as part of a Countdown any of the remaining contests are canceled or declared "no contest", the daily net pool shall be distributed as a single price pool to wagers correctly selecting the winning betting interests in the remaining Countdown contests. The carryover, if any, shall be carried to the next racing program no contest by the stewards after the first designated race has been run.~~

(Source: Amended at 22 Ill. Reg. 2212, effective JAN 01 1998.)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Match Rival

2) Code Citation: 11 Ill. Adm. Code 315

3) Section Number: Adopted Action:  
 315.20 Amendment  
 315.30 Repeal

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rule: January 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: December 29, 1997

9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 12087 - 9/5/97

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: The word "Stewards" was capitalized in Section 315.20(d).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?  
 No

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking clarifies the pool distribution provisions with respect to a series of Match Rival contests.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro  
 Illinois Racing Board  
 Legal Department  
 100 West Randolph, Suite 11-100  
 Chicago, Illinois 60601  
 312-814-5070

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

## PART 315

## MATCH RIVAL

## Section

315.10 General

315.20 Pool Distribution

315.30 Pool Cancellation (Repealed)

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 6579, effective May 19, 1997; amended at 22 Ill. Reg. 6579.4, effective JAN 01 1998.

## Section 315.20 Pool Distribution

The net match rival pool shall be distributed to winning wagers based upon the official order of finish as a single price pool to those whose selection arrives at the finish line first in a single contest or contains the most winners in a series of contests.

- a) In the event both contestants fail to finish in a single contest or the contest is cancelled or declared no contest, the entire pool shall be refunded for that wager.
- b) In a series of contests of a match rival wager, more than half of the ~~at least two~~ contests must be completed or the entire wager shall be canceled and the entire pool refunded.
- c) In the event there is a dead heat in a single event contest, the entire pool shall be refunded for that wager. In the event there is a dead heat in one or more races in a series of contests, all contestants involved in the dead heat shall be considered winners.
- d) In the event any contestant is scratched or declared a non-starter by the Stewards in any match rival contest, that contest shall be cancelled.

(Source: Amended at 22 Ill. Reg. 6579.4, effective JAN 01 1998.)

## Section 315.30 Pool Cancellation (Repealed)

- a) In the event there is a dead heat in a single event contest, the entire pool shall be refunded for that wager. In the event there is a dead heat in one or more races in a series of contests, all

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- b) In the event any contestant is scratched or declared a non-starter by the Stewards in any match rival race, the entire wager shall be canceled and the entire pool refunded.
- c) In the event any match rival race is canceled or declared no contest by the Stewards, the entire wager shall be canceled and the entire pool refunded.

(Source: Repealed at 22 Ill. Reg. 6579.4, effective JAN 01 1998.)



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: Adopted Action:  
603.180 New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: January 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: December 29, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 12091 - 9/5/97
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The period in subsection (a), after "procedures" was deleted. (TCO2) was changed to (TCO(2)) throughout the text. A "Note" was added after the Main Source Note to describe subscript numbers and letters.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any other proposed amendments pending in this Part? Yes, rulemaking effective Sections 603.50, 603.55 and 603.120 published at 21 Ill. Reg. 13281 on 10/3/97, is currently in Second Notice.
- 15) Summary and purpose of rules: This rulemaking establishes the procedures for Carbon Dioxide Testing. The proposed rule contains provisions for testing, establishes levels of TCO2 and details penalties for excessive post race TCO2 levels.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
  
Gina DiCaro  
Illinois Racing Board

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

Legal Department  
100 West Randolph, Suite 11-100  
Chicago, IL 60601  
312-814-5070

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE B: HORSE RACING

## CHAPTER I: ILLINOIS RACING BOARD

## SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603  
MEDICATION

Section	Pre-Race Saliva Tests
603.10	Racing Soundness Exam
603.20	Foreign Substances and Pharmaceutical Aids Banned
603.30	Twenty-four Hour Ban
603.40	Trainer Responsibility
603.50	Permitted Use of Foreign Substances and Threshold Levels
603.60	Furosemide
603.70	Needles, Syringes and Injectables
603.80	Drugs, Chemicals and Prescription Items
603.90	Detention Barn
603.100	Test Samples
603.110	Referee Samples
603.120	Laboratory Findings and Reports
603.130	Distribution of Purses and Retention of Samples
603.140	Post Mortems
603.150	Penalties
603.160	Veterinarian's Records
603.170	Carbon Dioxide Tests
603.180	

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 3232, effective JAN 01 1998.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 603.180 Carbon Dioxide Tests

- a) The Board recognizes that an excess level of total carbon dioxide (TCO[2]) in the race horse is considered adverse to the best interests of racing and adverse to the best interest of the horse in that such condition alters its normal physiological state. Accordingly, in compliance with post race testing procedures set forth in Section 603.110 (Test Samples), the State Veterinarian may draw blood samples from a horse for the purpose of obtaining a (TCO[2]) concentration. Blood samples for (TCO[2]) shall be drawn not earlier than one hour following the official post time of the race.
- b)

## ILLINOIS RACING BOARD

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- c) The post race ((TCO[2])) level in the blood shall not exceed:  
 1) 39.0 millimoles per liter if the horse is competing on furosemide in accordance with Section 603.70 (Furosemide).  
 2) 37.0 millimoles per liter if the horse is not competing on furosemide.
- d) In the event a post race sample from a horse contains an amount of ((TCO[2])) which exceeds the levels described in subsection (c), the following penalties shall apply:  
 1) The first time the laboratory reports an excessive ((TCO[2])) level, the trainer shall be fined not more than \$500 and the purse shall be redistributed.  
 2) The second time the laboratory reports an excessive ((TCO[2])) level, the trainer shall be suspended not more than 30 days and/or fined not more than \$1,000 and the purse shall be redistributed.  
 3) For each subsequent report of an excessive ((TCO[2])) level, the trainer shall be subject to a suspension of not longer than 120 days, a fine of not more than \$1,000 and the purse shall be redistributed.
- e) The provisions of Section 603.120 (Referee Samples) shall not apply to blood samples drawn for purposes of carbon dioxide testing.

(Source: Added JAN 01 1998 at 22 Ill. Reg. 3232, effective JAN 01 1998.)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: PPT
- 2) Code Citation: 11 Ill. Adm. Code 314
- 3) Section Number: Adopted Action:  
314.10 Amendment  
314.30 Amendment  
314.50 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: January 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: December 29, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 12095 -  
9/5/97
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: The proposed amendment to Section 314.30 clarifies the payout provisions in the case of scratches in the PPT contests. The proposed amendment to Section 314.50 adds a provision for payout of the daily net pool in the event one of the three PPT contest is canceled. The amendment to Section 314.10 was done to make the general provision consistent with the new cancellation provision.
- 16) Information and questions regarding these adopted amendments shall be directed to:  

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

Chicago, Illinois 60601  
312-814-5070.

The full text of the adopted amendments begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

## PART 314

## PPT

## Section

314.10 General

314.20 Pool Distribution

314.30 Scratches

314.40 Dead Heats

314.50 Races Cancelled

314.60 Mandatory Distribution

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 21 Ill. Reg. 3247, effective April 1, 1997; amended at 22 Ill. Reg. 2221, effective JAN 01 1998.

## Section 314.10 General

- a) The PPT (perfecta, perfecta, trifecta) requires the selection of the first two finishers in each of two designated contests and the first three finishers of a third designated contest, in exact order.
- b) PPT wagers shall be calculated in an entirely separate pool.
- c) An organization licensee offering the PPT wager may rename the wager so long as the name adopted by the organization licensee remains the same throughout the race meet.
- d) Entries and fields shall be allowed in the two designated perfecta contests without restriction. Entries and fields shall be allowed in the designated trifecta contest only in accordance with Section 306.20.
- e) The minimum field requirements set forth in Section 306.30 for trifectas shall apply to the designated trifecta contest of the PPT. ~~In the event the trifecta wagering is cancelled, all PPT wagers shall be refunded.~~
- f) In the event the organization licensee prohibits perfecta wagering pursuant to 11 Ill. Adm. Code 300.80(c), all PPT wagers shall be refunded.
- g) Each PPT contest shall be clearly designated in the official program.
- h) An organization licensee may offer only one PPT wager per program.

(Source: Amended JAN 01 1998 at 22 Ill. Reg. 2221, effective JAN 01 1998)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 314.30 Scratches

- a) In the event any contestant that is not part of an entry or field is scratched prior to ~~the start of~~ the first designated PPT contest being declared official, all wagers including the scratched betting interests shall be refunded.
- b) In the event any contestant that is part of an entry or field is scratched prior to ~~the start of~~ the first designated PPT contest being declared official, the remaining contestants in that entry or field shall remain valid betting interests and no refunds shall be granted.
- c) In the event any contestant is scratched after the first designated PPT contest has been declared official, those holding wagers which contain scratched betting interests with exact winning combinations in ~~two of the three either of the remaining~~ PPT contests shall receive a refund.

1) In the event the organization licensee elects method 1 of the pool distribution (Section 314.20(a)), those whose wagering combination contains a scratched betting interest without any winning combinations in two of the three ~~either of the remaining~~ PPT contests shall not receive a refund.

2) In the event the organization licensee elects method 2 of the pool distribution (Section 314.20(b)), those whose wagering combination contains a scratched betting interest without any winning combinations in two of the three ~~either of the remaining~~ PPT contests shall receive a 50% refund only in the event no wager correctly selects the exact winning combination for the entire PPT wager.

d) In the event of a mandatory distribution, those wagers containing a scratched betting interest with an exact winning combinations combination in two of the three ~~either of the remaining~~ PPT contests shall be ~~considered winning wagers and~~ shall not be subject to a refund, only in the event no wager correctly selects the exact winning combination for the entire PPT wager.

e) In the event scratches reduce the number of betting interests below the minimum field requirement for the trifecta contest of the PPT, the daily net PPT pool shall be distributed as a single price pool to those whose combination contains the winning combinations for the two perfecta contests. If there are no wagers which correctly select the winning combination for both perfecta contests, the daily net pool shall be refunded and the carryover pool, if any, shall be carried to the next racing program.

(Source: Amended JAN 01 1998 at 22 Ill. Reg. 2221, effective JAN 01 1998)

## Section 314.50 Races Cancelled

- a) In the event one of the PPT contests is cancelled, the daily net pool

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

shall be distributed to holders of PPT wagers which correctly select the exact winning combinations for the remaining two PPT contests, as a single price pool. The carryover, if any, shall be carried forward to the next racing program.

- b) In the event two or more of the PPT contests are cancelled, all valid PPT wagers shall be refunded and the carryover, if any, shall be carried forward to the next racing program.

(Source: Amended at 22 Ill. Reg. 25 9, effective JAN 01 1998)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 682
- 3) Section Numbers: Adopted Action:  
682.210 Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rule(s) (Amendments, Repealer): January 12, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 12, 1998
- 9) Notice of Proposal Published in Illinois Register: February 21, 1997, 21 Ill. Reg. 2623
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version:  
Changed a comma to a semicolon after March 21, 1995, in the Source Note.  
Corrected Source Note to reflect the December 3, 1996 adoption.  
Added Subpart C heading before text of Section 682.210.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): Section 682.210 is being amended to clarify the rule on the transfer of non-exempt assets of individuals who apply for services from the Home Service Program (HSP). The major change is in the time prior to application that the transfer must occur to be exempt. The revised Rule increases this time from 12 to 36 months. Transfers involving a trust are considered an asset unless they occurred 60 months prior to application for services. These revisions make the DORS HSP Rules consistent with the DPA rules that cover residents of long-term care facilities and Medical Assistance - No Grant (MANG) clients

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

applying for DOA services.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warner, Manager  
Administrative Rules and Procedures Division  
Department of Human Services  
100 S. Grand Ave. East  
Springfield, IL 62762  
(217) 785-9772  
TTY: (217) 557-1547

The full text of Adopted Rule(s) begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 682  
ELIGIBILITY

## SUBPART A: GENERAL APPLICABILITY

Section  
682.10 General Applicability

## SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section  
682.100 General Eligibility Criteria

## SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section  
682.200 Assets Limitation  
682.210 Transfer of Assets  
682.220 Exempt Assets  
682.230 Assets Held in Joint Ownership  
682.240 Income Allowances  
682.250 Cost Sharing Provisions  
682.260 General Exceptions to Cost Share Provisions

## SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section  
682.300 Effect of Other Services on HSP

## SUBPART E: REDETERMINATION OF ELIGIBILITY

Section  
682.400 Redetermination Requirements  
682.410 Redetermination Time Frames

## SUBPART F: GRANDFATHERING PROVISIONS

Section  
682.500 Exceptions to Eligibility Standards  
682.510 Exceptions to Cost Sharing Provisions  
682.520 Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act  
[20 ILCS 2405/3].



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 2326, effective JAN 12 1998.

## SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

## Section 682.210 Transfer of Assets

- a) Any transfer or sale of non-exempt assets which occur within the time periods specified in this Section shall be used in determining the individual's assets for the purpose of Section 682.200.
- b) Transfers involving a trust shall be considered as an asset unless the transfer occurred 60 months prior to the individual's application for services.
- c) If an individual applying for services has transferred or sold non-exempt assets within the last 36 months ~~calendar-year~~ prior to application for services, he/she must verify certify that he/she received fair market value for the assets. Fair market value is the worth on the open market of the asset, at the time it was transferred or sold. If less than fair market value was received, the difference between the amount received for the asset and the fair market value of the asset will be used in determining the individual's assets for the purpose of Section 682.200.
- d) The transfer or selling of non-exempt assets at the time of application or while an individual's Home Services Program case file is open will result in the fair market value of the asset being used in determining the individual's assets for the purposes of Section 682.200.

(Source: Amended at 22 Ill. Reg. 2326, effective JAN 12 1998 )

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Environmental Impact Fee
- 2) Code Citation: 86 Ill. Adm. Code 501
- 3) Section Numbers: Adopted Action:  
501.100 New Section  
501.200 New Section  
501.300 New Section
- 4) Statutory Authority: 415 ILCS 125
- 5) Effective Date of Rulemaking: January 9, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 9, 1998
- 9) Notice of Proposal Published in Illinois Register: September 26, 1997, 21 Ill. Reg. 13045
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking is prompted by Public Acts 89-457 and 89-468.
- 16) Information and questions regarding these adopted rules shall be directed to:

Gina Roccaforte  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
(217)782-6996

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED RULES

The full text of the Adopted Rule begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED RULES

TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 501

## ENVIRONMENTAL IMPACT FEE

## Section

## 501.100 Definitions

501.200 Basis and Rate of the Environmental Impact Fee Law

501.300 Motor Fuel Tax Regulations Applied

AUTHORITY: Implementing the Environmental Impact Fee Law [415 ILCS 125] and authorized by Section 39b19 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b19].

SOURCE: Adopted  
JAN 0 9 1998

at 22

Ill.

Reg.

effective

2230

## Section 501.100 Definitions

For purposes of this Part, the following definitions apply:

"Department" means the Illinois Department of Revenue.

"Fuel" means all liquids defined as "Motor Fuel" in Section 1.1 of the Motor Fuel Tax Law and aviation fuels and kerosene, but excluding liquified petroleum gases. (Section 305 of the Law)

"Law" means the Environmental Impact Fee Law [415 ILCS 125].

"Receiver" means a person who is licensed under Section 3c of the Motor Fuel Tax Law and who either produces, refines, blends, compounds or manufactures fuel in this State, or transports fuel into this State or receives fuel transported to him from without the State or exports fuel out of this State, or who is engaged in distribution of fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant that has active fuel bulk storage capacity of not less than 30,000 gallons. (Section 305 of the Law)

## Section 501.200 Basis and Rate of the Environmental Impact Fee Law

- a) Beginning January 1, 1996, all receivers of fuel are subject to an environmental impact fee of \$60 per 7,500 gallons of fuel, or an equivalent amount per fraction thereof, that is sold or used in Illinois. The fee shall be paid by the receiver in this State who first sells or uses the fuel. (Section 310 of the Law)
- b) A receiver of fuels is subject to the fee without regard to whether the fuel is intended to be used for operation of motor vehicles on the

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED RULES

public highways and waters. However, no fee shall be imposed upon the importation or receipt of aviation fuels and kerosene at airports with over 170,000 operations per year, located in a city of more than 1,000,000 inhabitants, for sale to or use by holders of certificates of public convenience and necessity or foreign air carrier permits, issued by the United States Department of Transportation, and their air carrier affiliates, or upon the importation or receipt of aviation fuels and kerosene at facilities owned or leased by those certificate or permit holders and used in their activities at an airport described above. In addition, no fee may be imposed upon the importation or receipt of diesel fuel by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code and used directly in railroad operations. In addition, no fee may be imposed when the sale is made with delivery to a purchaser outside this State or when the sale is made to a person holding a valid license as a receiver. In addition, no fee shall be imposed upon diesel fuel consumed or used in the operation of ships, barges, or vessels, that are used primarily in or for the transportation of property in interstate commerce for hire on rivers bordering on this State, if the diesel fuel is delivered by a licensed receiver to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river. A specific notation thereof shall be made on the invoices or sales slips covering each sale. (Section 310 of the Law)

## Section 501.300 Motor Fuel Tax Regulations Applied

The following Sections of the Motor Fuel Tax Regulations apply to entities affected by this Part insofar as they can be applied without conflict with the provisions of the Environmental Impact Fee Law or any regulations promulgated thereunder: 86 Ill. Adm. Code 500.203, 500.205, 500.215, 500.230, 500.260, 500.270, 500.400, 500.405, 500.500, 500.505, and 500.600. References to "taxes" in these referenced Sections shall be construed to apply to the administration, payment, and remittance of all fees under this Part.

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Income Tax
  - 2) Code Citation: 86 Ill. Adm. Code 100
  - 3) Section Numbers: Adopted Action:  
100.2195 New Section  
100.2480 New Section  
100.3120 Amendment
  - 4) Statutory Authority: 35 ILCS 210, 35 ILCS 5/203(a)(2)(J), 5/203(b)(2)(K), 5/203(c)(2)(M), 5203(d)(2)(K) and 35 ILCS 5
  - 5) Effective Date of Amendment(s): January 9, 1998
  - 6) Does this rulemaking contain an automatic repeal date? No
  - 7) Does this amendment contain incorporations by reference? No
  - 8) Date Filed in Agency's Principal Office: January 9, 1998
  - 9) Notice of Proposal Published in Illinois Register: September 5, 1997, 21 Ill. Reg. 12100; September 19, 1997, 21 Ill. Reg. 12835; and September 26, 1997, 21 Ill. Reg. 13048
  - 10) Has JCAR issued a Statement of Objections to these Amendments? No
  - 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
  - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
  - 13) Will the amendment replace an emergency amendment currently in effect? No
  - 14) Are there any amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 100.9710        | New Section     | 1/2/98, 22 Ill. Reg. 174   |
- 15) Summary and Purpose of Amendment(s): New Section 100.2195: This rulemaking sets forth the requirements for claiming the Dependent Care Assistance Program Tax Credit. The credit is established by Section 210 of the Illinois Income Tax Act, is effective for tax years ending on or after June 30, 1995 and is a credit against the tax imposed by subsection (a) and (b) of Section 201 of the Illinois Income Tax Act in an amount equal to 5% of the amount of expenditures by the taxpayer in the year for



## DEPARTMENT OF REVENUE

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which the credit is claimed and reported pursuant to Section 129(d)(7) of the Internal Revenue Code, to provide in the Illinois premises of the taxpayer's workplace an punctuation facility dependent care assistance program under Section 129 of the Internal Revenue Code.

New Section 100.2480: Section 203 of the Illinois Income Tax Act allows taxpayers a subtraction modification from income for dividends paid by a corporation that conducts all or substantially all of its business operations in an Enterprise Zone. The Act is silent as to the manner in which the Department is to determine whether a corporation conducts "substantially all" of its operations in an Enterprise Zone. The proposed rule provides that a corporation must conduct 95% or more of its total business activity within the zone in order to meet the "substantially all" test. In calculating the percentage, the corporation must use the apportionment formula it normally uses to determine the Illinois portion of its business income, except that the formula must be applied at the Enterprise Zone level rather than the State level. In the case of corporations using the three-factor formula (payroll, property and sales) prescribed for taxpayers generally in Section 304(a) of the Illinois Income Tax Act, the regulation provides that only the property and payroll factors are used in calculating the portion of business activity conducted within an Enterprise Zone.

The amendment to Section 100.3120 refers to a recently-passed federal law (P.L. 104-95) and explains the impact it has on the ability of Illinois to impose an income tax on certain nonresident pension income, as well as certain nonresident deferred compensation distributions.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Paul Caselton  
Senior Counsel, Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
(217) 782-6996

The full text of the Adopted Amendment begins on the next page:

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CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985;

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amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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SUBPART B: CREDITS

Section 100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

a) Beginning with tax years ending on or after June 30, 1995, each taxpayer who is primarily engaged in manufacturing is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of the Act in an amount equal to 5% of the amount of expenditures by the taxpayer in the tax year for which the credit is claimed, reported pursuant to Section 129(d)(7) of the Internal Revenue Code, to provide in the Illinois premises of the taxpayer's workplace an on-site facility dependent care assistance program under Section 129 of the Internal Revenue Code (see IITA Section 210(a)).

b) The term manufacturing is defined, for purposes of this credit, in the same manner as that term is defined for purposes of the Replacement Tax Investment Credit (see IITA Section 201(e)(3)). Manufacturing is the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication

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or assembling which changes some existing material into new shapes, new qualities, or new combinations. It is not necessary that such procedures result in a finished consumer product. Procedures commonly regarded as manufacturing, processing, fabrication or assembling are those so regarded by the general public.

c) A taxpayer is primarily engaged in manufacturing if more than 50% of the gross receipts of the taxpayer are received from the sale of items manufactured by the taxpayer.

d) Any credit allowed under this Section which is unused in the year the credit is earned may be carried forward to each of the 2 taxable years following the year for which the credit is computed until it is used.

1) This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this Section from more than one tax year that is available to offset a liability, the earliest credit arising under this Section shall be applied first [35 ILCS 5/210(b)].

2) If a taxpayer has a Dependent Care Assistance Program Credit and credit(s) under any other provision of the Illinois Income Tax Act with a 5 year carryforward, the taxpayer may apply the Dependent Care Assistance Program Credit to tax otherwise due for a particular tax year, prior to applying the credit with the 5 year carryforward.

e) In determining the amount of the credit claimed by the employer, the employer shall claim the same fair market value of dependent care assistance in the form of on-site day care facility services, as is determined by the employer for federal purposes under the terms of Cumulative Bulletin Notice 89-11, 1989-2 CB 449. For this purpose fair market value of on-site dependent care assistance shall mean the employer's estimate of the fair market value of in-kind dependent care assistance provided to employees which shall be 125 percent of reasonably estimated direct costs. For this purpose, direct costs are food, expendable materials and supplies, transportation, staff training, special or additional insurance directly attributable to the day care facility, periodic consulting or management fees directly related to the operation of the day care facility, and the cost of labor for personnel whose services relating to the facility are performed primarily on the premises of the day care facility.

f) A taxpayer claiming the credit provided by Section 210 of the IITA needs to maintain records sufficient to document the costs associated with the provision of an on-site facility dependent care assistance program under Section 129 of the Internal Revenue Code. To the extent that the taxpayer determines the cost of the on-site facility for federal purposes in a manner different from that set forth in subsection (e) above, the taxpayer shall maintain books and records in a form sufficient to document all costs claimed under subsection (e).

(Source: Added at 22 Ill. Reg. 22 34, effective JAN 09 1998)

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SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

**Section 100-2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))**

a) Taxpayers are entitled to subtract from taxable income (adjusted gross income, in the case of an individual) an amount equal to dividends paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts all or substantially all of its operations in the Enterprise Zone or zones (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K)).

b) A corporation conducts substantially all of its business within an Enterprise Zone when 95% or more of its total business activity during a taxable year is operated within an Enterprise Zone. For the purpose of this Section, business activity within an Enterprise Zone shall be measured by means of the factors ordinarily applicable to the corporation under subsection (a), (b), (c), or (d) of IITA Section 304 except that, in the case of a corporation ordinarily required to apportion business income by means of the 3-factor formula of property, payroll and sales specified in subsection (a) of Section 304, such corporation shall not use the sales factor in the computation. In measuring the business activity of a corporation within an Enterprise Zone, the apportionment factors of that corporation shall be determined without regard to the factors or business activity of any other corporation and, in the case of a corporation engaged in a unitary business with any other person, the apportionment factors of that corporation shall be determined as if it were not engaged in a unitary business with such other person.

1) 3-Factor Corporations: A corporation using property, payroll and sales to apportion business income to Illinois under subsection (a) of Section 304 shall compare the corporation's property and payroll within an Enterprise Zone to the corporation's property and payroll everywhere. The result of the property and payroll factor computations shall be divided by 2 (by one if either the property or payroll factor has a denominator of zero). If the amount so computed is 95% or greater, the dividends paid by the corporation shall qualify for this subtraction. In the case where a corporation does not have any payroll or property within an Enterprise Zone, the corporation is not conducting any of its business operations within an Enterprise Zone for the purpose of this Section.

2) All Other Corporations: A corporation using a 1-factor apportionment formula under subsection (b), (c) or (d) of IITA Section 304 shall determine business activity conducted within an Enterprise Zone by comparing business income from sources within the Enterprise Zone and everywhere else pursuant to its



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ordinarily applicable factor under subsection (b), (c) or (d) of Section 304. A corporation using an alternative method of apportionment under Section 304(f) shall petition the Department for approval of an appropriate method of determining its qualification under this Section, and only upon the Department's approval shall the corporation be allowed to use a method not provided in this Section.

- 3) Example: In the tax year ending December 31, 1995, Taxpayer received dividends from a bank holding company, whose sole asset was the stock in a bank with which it was conducting a unitary business. Both the bank holding company and the bank are headquartered in an Enterprise Zone created under the Illinois Enterprise Zone Act. During 1995, the operations of the bank consisted of accepting deposits, making loans and purchasing investments. The bank conducted business in its branches located throughout the State. However, the bank holding company's sole source of income on a separate-company basis was the dividends it received from the bank, and all of this income was received within the Enterprise Zone. In determining its business income apportionable to Illinois in 1995, the bank holding company and the bank used the apportionment formula under IITA Section 304(c) on a combined basis. In order to determine whether 95% or more of its income is from sources within the Enterprise Zone, the bank holding company is required to use the same apportionment formula under IITA Section 304(c) as if it were not engaged in a unitary business with the bank. Pursuant to the formula, dividends which are received within this State are apportionable to Illinois. As a result, the bank holding company in this case must compute the percentage of dividends which are received within the Enterprise Zone to determine income apportionable to the Enterprise Zone. Since it received all of its business income from sources within the Enterprise Zone, the bank holding company would meet the 95% test.

- c) Taxpayers are entitled to this subtraction in the taxable year in which qualifying dividends are paid by corporations. Corporations paying dividends shall be deemed to have started business operations within an Enterprise Zone from the later of:

- 1) The date the Enterprise Zone in which the corporation paying the dividends is located was officially designated by the Department of Commerce and Community Affairs;
- 2) The date the corporation paying dividends commenced operations in the Enterprise Zone; or
- 3) The effective date of the Public Act enacting this subtraction (December 7, 1982).

- d) Limitations.

- 1) This Section allows taxpayers to subtract distributions from a corporation only to the extent:

A) such distributions are characterized as dividends;

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- B) such dividends are included in federal taxable income (in the case of an individual, adjusted gross income) of the taxpayer; and
- C) the taxpayer has not subtracted such dividends from federal taxable income (in the case of an individual, adjusted gross income) under any other provision of Section 203 of the IITA.

- 2) Example: Taxpayer, an S corporation shareholder, receives a distribution from an S corporation which conducts substantially all of its business in an Enterprise Zone. Although the S corporation satisfies the 95% test, Taxpayer is not entitled to this subtraction modification since a distribution by an S corporation is generally not characterized as a dividend. See Section 1368 of the Internal Revenue Code.

- 3) Example: Taxpayer, a corporation, receives a dividend from another corporation which qualifies for the 70% dividends received deduction under Section 243(a)(1) of the Internal Revenue Code. Because only 30% of the dividend is included in Taxpayer's federal taxable income, this Section allows Taxpayer to subtract only 30% of the dividend from its federal taxable income.

(Source: Added at 22 Ill. Reg. 900 0.0, effective JAN 9 1998)

## SUBPART J: COMPENSATION PAID TO NONRESIDENTS

## Section 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

- a) In general
- 1) In order for items of compensation paid to an individual who is a nonresident of Illinois at the time of payment to be allocated to Illinois, such compensation must constitute "compensation paid in this State". If the test is met, then all items of such compensation, and all items of deduction directly allocable thereto, are allocated to Illinois under IITA Section 302(a) (except items allocated under IITA Section 301(b)(2), as to which see subsection (c) below). Compensation paid to a nonresident, which is allocated to Illinois, enters into the computation of such individual's net income under IITA Section 202 and is generally subject to withholding under IITA Section 701 (see Sections 100.7000, 100.7010 and 100.7020). The tests for determining whether compensation is paid in Illinois appear in IITA Section 304(a)(2)(B) and are substantially the same as those used to define "employment" in the Illinois Unemployment Compensation Act [820 ILCS 405] (and similar unemployment compensation acts of other states).



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Compensation is paid in Illinois if:

- A) The individual's service is localized in Illinois because it is performed entirely within Illinois;
- B) The individual's service is localized in Illinois although it is performed both within and without Illinois, because the service performed without Illinois is incidental to the individual's service performed within Illinois; or
- C) The individual's service is not localized in any state but some of the service is performed within Illinois and either:
  - i) the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within Illinois, or
  - ii) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in Illinois.

- 2) The foregoing rules are to be applied in such manner that if they were in effect in other states an item of compensation would constitute compensation "paid in" only one state. Thus, if an item would, under these rules, constitute compensation paid in a state other than Illinois because the individual's service was localized in such other state under subsection (a)(1)(B) above, it could not also be compensation paid in Illinois. Pursuant to 50 U.S.C. 514, compensation for military or naval service paid to a nonresident does not constitute "compensation paid in" Illinois even though it meets the tests set forth in subsection (a)(1) above. For further discussion of these tests, see Section 100.7010(a), (d), (e) and (f), dealing with withholding.
- 3) Personal services under personal service contracts for sports performance
  - A) For purposes of subsection (a)(1)(A) above, beginning with taxable years ending on or after December 31, 1992, for all persons who are members of professional sports teams that are residents of states that impose a comparable tax liability on all persons who are members of professional sports teams that are residents of this State... in the case of persons who perform personal services under personal service contracts for sports performance, services by that person at a sporting event taking place in Illinois shall be deemed to be a performance entirely within this State. (IITA Section 304(a)(2)(B)) The amount of income constituting compensation paid in this State to such person shall be determined by multiplying the person's total compensation for performing such personal services by a fraction, the denominator of which contains the total

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number of duty days and the numerator of which is the number of duty days in Illinois during the taxable year.

- B) The income of persons who engage in sports performance in Illinois, but do not perform personal services under personal services contracts of employment, remains apportionable to Illinois. Such income is business income, as defined by IITA Section 1501(a)(1) and Section 100.3010(a) of this Part. Also see IITA Section 304(a) and Section 100.3310 of this Part.

- b) Compensation paid for past service
  - 1) A federal law, P.L. 104-95 (4 USC 114), which applies to amounts received after December 31, 1995, limits the power of states to impose income taxation on certain nonresident pension income. This limitation also impacts income received by a nonresident. The form of distributions from many deferred compensation plans, The allocation of distributions to nonresidents from deferred compensation plans which are not governed by that law and which are potentially income taxable in this State is governed by this subsection (b)(1). Where compensation is paid to a nonresident for past service, such compensation will, for the purpose of determining whether and to what extent such compensation is "paid in" Illinois and is allocated to Illinois under IITA Section 302(a), be presumed to have been earned ratably over the employee's last 5 years of service with the employer (or any predecessor or successor of the employer or a parent or subsidiary corporation of the employer), in the absence of clear and convincing evidence that such compensation is properly attributable to a different period of employment or that it was not earned ratably over the appropriate period of employment. Compensation earned in each past year will be deemed compensation paid in Illinois if the individual's service in such year met the tests set forth in subsection (a) above. Compensation paid for past service includes amounts paid under deferred compensation agreements where the amount of compensation is unrelated to the amount of service being currently rendered. Amounts paid to nonresidents under deferred compensation agreements may be allocated to Illinois under IITA Section 302(a) in accordance with this paragraph notwithstanding the fact that amounts paid to nonresidents under such agreements will be deemed not to be compensation paid in Illinois for purposes of IITA Section 701 and will not be subject to withholding (see Section 100.7010(g)).

- 2) The standards detailed in the previous subsection may be illustrated by the following examples:

- A) A is a union member employed by B corporation as a factory worker. During the years 1965-1968, A was employed in B's factory in Illinois; in 1969, A worked in B's factory in State X. In 1970, as a result of union labor

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contract negotiations, A received a lump sum payment of \$500 in lieu of a retroactive wage increase. A is at all times a resident of State X. Unless A establishes, by clear and convincing evidence, facts to support a different result, \$100 is deemed to have been earned in each of the 5 years 1965-1969. Further, \$400 is deemed to have been earned by service localized in Illinois and \$100 by service localized in State X (see subsection (a) above). Therefore, \$400 is allowable to Illinois under 119A Section 102(a).

(b) The facts are the same as in the previous example except that A is able to establish that the \$500 constituted a wage increase retroactive to July 1, 1969. In such case, no part of the \$500 is allowable to Illinois, since it was earned by service in 1969 localized in State X.

(c) C is a corporate executive. On January 1, 1965, C entered into an agreement with D corporation under which he was to be employed by D in an executive capacity for a period of 5 years. Under the contract C is entitled to a stated annual salary and to additional compensation of \$10,000 for each year. The additional compensation to be credited to a bookkeeping reserve account and deferred, accumulated and paid in annual installments of \$2,000 on the settlement anniversary January 1, 1970. In the event of C's death prior to exhaustion of the account, the balance is to be paid to C's personal representatives. C is assigned to make consulting services to D when called upon after December 31, 1969. During 1970, C is paid \$5,000 while a resident of Florida. The \$5,000 is deemed to have been earned at the rate of \$1,000 in each of the years 1965-1969, since the amount paid is unrelated to C's current consultative services. Whether the \$1,000 earned in each such year is allowable to Illinois under 119A Section 102(a) must be determined by applying the tests set forth in subsection (a) above to each such year.

(d) Exceptions to general allocation rules

1) While "compensation" may include items of income taken into account by a nonresident employee under the provisions of 26 U.S.C. 401 through 424, such as, for example, amounts received by a beneficiary of an employee's trust (liable to the employee under 26 U.S.C. 402, whether the trust is exempt or non-exempt from federal income tax), or income resulting from a distribution of property of a trust or partnership to the grantor or a qualified stock option exercise for the employee under 26 U.S.C. 424(a) above, such compensation is not allocated under 119A Section 102(a). Such compensation is allocated under the rules of such Section 102(a) only if

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not allocated to Illinois, whereas compensation which is allocated pursuant to 119A Section 102(a) is allocated to Illinois, if "paid to" this State (see subsections (a) and (b) above). Consequently, a nonresident claiming that compensation which would otherwise be allocated to Illinois under 119A Section 102(a) must establish that such compensation was properly taken into account by such individual under the provisions of 26 U.S.C. 401 through 424.

(e) Exception to subsection

In any case in which the Director has entered into an agreement with the taxing authorities of another state which imposes a tax on or measured by income to provide that compensation paid in such state to residents of Illinois shall be exempt from such tax, compensation paid to Illinois to residents of such state will not be allocated to Illinois.

(f) Federal law. Federal law affects the authority of the State of Illinois to subject certain employees of railroads, motor carriers and air carriers to Illinois income taxation, even though in the absence of specific federal provisions those employees would be subject to Illinois taxation by virtue of 119A Section 102(a).

(g) Railroad employees. 49 U.S.C. 1194(b)(1) provides that no part of the compensation paid by a rail carrier subject to the jurisdiction of the Interstate Commerce Commission under subchapter 1 of the chapter 105 of Title 49, to an employee who performs regularly assigned duties in more than one state shall be subject to the income tax laws of any state or subdivision of that state, other than the state or subdivision thereof in which the employee is employed.

(h) Motor carrier employees. 49 U.S.C. 1194(b)(1) states that no part of the compensation paid by a motor carrier subject to the jurisdiction of the Interstate Commerce Commission under subchapter 11 of chapter 105 of Title 49, to a motor carrier employee who performs regularly assigned duties in 2 or more states as such an employee with respect to a motor vehicle shall be subject to the income tax laws of any state or subdivision of that state, other than the state or subdivision thereof of the employee.

(i) Tax-exempt employees. 26 U.S.C. 1194(b)(1) states that no part of the compensation paid by an air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one state shall be subject to the income tax laws of any state or subdivision thereof other than the state or subdivision thereof of such employee's residence and the state or subdivision thereof in which such employee earns more than 50% of the compensation

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paid by the carrier to such employee.

- 4) The standards set forth in this Section may be illustrated by the following examples:

A) A is a factory worker for B corporation which is located in Illinois. A resides in State X. When A reaches retirement age, he begins receiving a pension from the exempt trust under B's qualified pension plan. For federal income tax purposes, A properly takes his payments into account under the provisions of 26 U.S.C. 402(a). Accordingly, under ITA Section 301(c)(2)(A), A's payments are not allocated to Illinois.

B) The facts are the same as in the previous example except that B corporation does not fund its employees' pension benefits through the creation of a trust or the purchase of annuities, but pays retired employees each year out of corporate funds. For federal income tax purposes, A is required to take his payments into account under 26 U.S.C. 61(a), rather than under 26 U.S.C. 401 through 424. Accordingly, allocation of A's pension payments is governed by ITA Section 302(a) above (see subsections (a) and (b) of this Section).

C) A is a locomotive engineer employed by Interstate railway. Interstate operates a rail yard in East St. Louis, Illinois. Interstate also operates out of St. Louis, Missouri, where it has a rail yard, as well as its administrative and payroll offices. A lives in St. Louis, Missouri. A is assigned to the East St. Louis rail yard and primarily reports to the East St. Louis rail yard of Interstate and drives locomotives for Interstate on trips that go throughout the United States. However, on occasion, A is required to report to the St. Louis, Missouri yard of Interstate and drive locomotives on trips that originate from St. Louis, Missouri. Pursuant to 49 U.S.C.A. 11504(a), Interstate may only withhold, and A is only subject to, the Missouri personal income tax.

D) A is an airline pilot for World-Wide Airlines. World-Wide provides passenger and freight service to various destinations throughout the United States from Lambert Field in St. Louis, Missouri, as well as from the municipal airport in Alton, Illinois. A lives in St. Louis, Missouri, but A reports to and flies out of the World-Wide terminal in Alton, Illinois. A primarily flies to destinations outside of Illinois. Less than 50% of A's compensation (as determined by flight time in Illinois versus flight time everywhere) (see 49 U.S.C.A. 1512(b)) is earned within Illinois. Therefore, by virtue of 49 U.S.C.A. 1513(a), A is only subject to Missouri income taxation on his compensation from World-Wide.

- E) The facts are the same as in the previous example, except that A pilots commuter planes between Alton and Chicago, Illinois. In this situation, A will be subject to Illinois income taxation by virtue of the fact that A earns more than 50% of his compensation within the State of Illinois.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective  
JAN 09 1998)



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- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers: Adopted Action:  
 500.100 Amendment  
 500.202 Amendment  
 500.205 Amendment  
 500.215 Amendment  
 500.230 Amendment  
 500.265 Amendment  
 500.270 Amendment  
 500.300 Amendment  
 500.305 Amendment  
 500.320 Amendment  
 500.335 Amendment  
 500.340 Amendment  
 500.350 Amendment  
 500.355 Amendment  
 500.600 Amendment
- 4) Statutory Authority: 20 ILCS 2805/39b19
- 5) Effective Date of Rulemaking: January 9, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 9, 1998
- 9) Notice of Proposal Published in Illinois Register: September 26, 1997, 21 Ill. Reg. 13060
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is prompted by Public

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Acts 89-0428, 89-0468, and 90-0491. In addition, it deletes references to the Illinois Interstate Motor Fuel Use Tax program. It makes other changes to comply with the International Fuel Tax Agreement.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina Roccaforte, Associate Counsel  
 Illinois Department of Revenue  
 Legal Services Office  
 101 West Jefferson  
 Springfield, IL 62794  
 (217)782-6996

The full text of the Adopted Amendment begins on the next page:

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 500  
MOTOR FUEL TAX

## SUBPART A: DEFINITIONS

## Section

500.100 Definitions  
500.101 Definition of Receiver (Repealed)  
500.102 Definition of Loss (Repealed)

## SUBPART B: MOTOR FUEL TAX

## Section

500.200 Basis and Rate of the Motor Fuel Tax  
500.201 Licensure  
500.202 Basis and Rate of Tax Payable by Receivers  
500.203 Monthly Returns  
500.204 Report of Loss of Motor Fuel  
500.205 Daily Gallonage Record  
500.210 Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers  
500.215 Documentation of Tax-free Sales of Fuel Made by Licensed Receivers  
500.220 Vehicles of Distributors Transporting Petroleum Products (Repealed)  
500.225 Other Vehicles (Repealed)  
500.230 Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers  
500.235 Claims for Refund - Invoices  
500.240 Sales of Special Fuel - Variation in Usage  
500.245 Estimated Claims Not Acceptable  
500.250 Claimants Owning Motor Vehicles (Repealed)  
500.255 Detailed Answers  
500.260 Revocation of License, Etc. - Notice - Hearing  
500.265 Distributors' and Suppliers' Claims for Credit or Refund  
500.270 Receivers' Claims for Credit  
500.275 Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit  
500.280 Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems  
500.285 Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas  
500.290 When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)  
500.295 Cost of Collection - Determination (Repealed)

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## SUBPART C: MOTOR FUEL USE TAX

## Section

500.300 Licensure  
500.301 Special Motor Fuel Permits and Decals (Repealed)  
500.302 Motor Carrier's Quarterly Report (Repealed)  
500.305 Licenses and Decals  
500.310 Display of License and Decals  
500.315 Renewal of Decals and Licenses  
500.320 Single Trip Permits  
500.325 Licensure of Lessors and Lessees  
500.330 Cancellation of License  
500.335 Quarterly Payment and Reporting  
500.340 Credits and Refunds  
500.345 Records Requirements  
500.350 Revocation  
500.355 Protest Procedures  
500.360 Audits

## SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

## Section

500.400 General Information  
500.405 Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED  
UNDER THE MOTOR FUEL TAX LAW

## Section

500.500 Licenses and Permits Are Not Transferable  
500.501 Blenders' Permits Are Not Transferable (Repealed)  
500.505 Changes of Corporate Officers

## SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

## Section

500.600 Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 39b2 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b2].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill.

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Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990; amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 10168, effective July 16, 1996.

## SUBPART A: DEFINITIONS

## Section 500.100 Definitions

For purposes of this Part, the following definitions apply:

"Base Jurisdiction" means the jurisdiction where commercial motor vehicles are based for vehicle registration purposes and:

Where the operational control and operational records of the licensee's commercial motor vehicles are maintained or can be made available; and

Where some travel is accrued by commercial motor vehicles within the fleet.

"Bulk User" means any person, other than a licensed distributor or licensed supplier, who owns, operates, or controls special fuel bulk storage facilities into which any special fuel is delivered by the seller without the motor fuel tax being paid, and owns, operates or controls licensed highway vehicles which are powered by special fuel. (Section 1-15 of the Act)

"Blender" means any person who engages in the practice of blending.  
(Section 1.6 of the Act)

"Blending" means the mixing together by any process whatsoever, of any one or more products with other products, and regardless of the original character of the products so blended, and provided the resultant product so obtained is suitable or practicable for use as a motor fuel, except such blending as may occur in the process known as refining by the original refiner of crude petroleum, and except, also, the blending of products known as lubricating oil in the production of lubricating oils and greases. (Section 1.5 of the Act)

"Commercial Motor Vehicle" means a motor vehicle used, designed, or maintained for the transportation of persons or property and either

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having 2 axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,793 kilograms, or having 3 or more axles regardless of weight, or that is used in combination, when the weight of the combination exceeds 26,000 pounds or 11,793 kilograms gross vehicle weight. This term does not include motor vehicles operated by the State of Illinois or the United States, recreational vehicles, school buses and commercial motor vehicles operated solely within Illinois for which all motor fuel is purchased within this State. (Section 1.16 of the Act)

"Diesel fuel" means any petroleum product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark. (Section 2(b) of the Act)

"Distributor" means a person who either produces, refines, blends, compounds or manufactures motor fuel in this State, or transports motor fuel into this State or receives motor fuel transported to him from without the State, or who is engaged in this State in the distribution of motor fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active bulk storage capacity of not less than 30,000 gallons for gasoline as defined in Section 5(A) of the Law. (Section 1.2 of the Act)

"Export" means the transportation of reportable motor fuel or fuel, by any vessel, from Illinois, when such motor fuel or fuel comes to rest in a different state, whether or not in the original vessel used to transport the motor fuel or fuel. Motor fuel or fuel delivered to a different state, by or on behalf of the seller, constitutes an export by the seller. Motor fuel or fuel delivered to a different state, by or on behalf of the purchaser, constitutes an export by the purchaser. The exporter of such motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.

"Fuel" means all liquids defined as "Motor Fuel" and aviation fuels and kerosene, but excluding liquified petroleum gases. (Section 1.19 of the Act)

"Import" means the transportation of reportable motor fuel or fuel, by any vessel, into Illinois, when such motor fuel or fuel comes to rest in Illinois, whether or not in the original vessel used to transport the motor fuel or fuel. Motor fuel or fuel delivered into Illinois, from a different state, by or on behalf of the seller, constitutes an import by the seller. Motor fuel or fuel delivered into Illinois from a different state, by or on behalf of the purchaser, constitutes an import by the purchaser. The importer of such motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.



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"International Fuel Tax Agreement" ("IFTA") means the multijurisdictional International Fuel Tax Agreement ratified by Congress, the provisions of which were imposed upon States pursuant to Public Law 102-240, which mandates that no State shall establish, maintain or enforce any law or regulation which has fuel use tax reporting requirements not in conformity with the International Fuel Tax Agreement.

"Jurisdiction" is a state of the United States, the District of Columbia, or a province or Territory of Canada.

"Law" means the Motor Fuel Tax Law [35 ILCS 505].

"Leasing" means the giving of possession and control of a vehicle for valuable consideration for a specified period of time.

"Loss" means, for purposes related to claims for refund, the reduction of motor fuel resulting from spillage, spoilage, leakage, theft, destruction by fire or any other provable cause, but does not include loss resulting from evaporation and temperature changes.

"Motor fuel" means all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, the propulsion of motor vehicles. Among other things, "motor fuel" includes "special fuel." (Section 1.1 of the Act)

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county or other political subdivision in this State. When used in these rules to prescribe or impose a fine or imprisonment or both, the term as applied to partnerships and associations shall mean the partners or members thereof; as applied to limited liability companies, the term means managers, members, agents or employees of the limited liability company; and as applied to corporations, the term shall mean the officers, agents, or employees thereof who are responsible for any violation of the Act. (Section 1.11 of the Act)

"Receiver" means a person who either produces, refines, blends, compounds or manufactures fuel in this State, or transports fuel into this State or receives fuel transported to him from without the State or exports fuel out of this State, or who is engaged in the distribution of fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active fuel bulk storage capacity of not less than 30,000 gallons. (Section 1.20 of the Act)

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"Records" means all data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation.

"Recreational vehicle" means vehicles, such as motor homes, pickup trucks with attached campers, camping or travel trailers, van or truck campers, mini motor homes, or buses, used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

"Revocation" means the withdrawal of license and privileges.

"Special fuel" means all volatile and inflammable liquids capable of being used for the generation of power in an internal combustion engine except that it does not include gasoline as defined in Section 5(A) of the Law, or combustible gases as defined in Section 5(B) of the Law. "Special fuel" includes "diesel fuel." (Section 1.13 of the Act)

"Supplier" means any person other than a licensed distributor who transports special fuel into this State or receives special fuel transported to him from outside the State, and a person engaged in Illinois in the distribution of special fuel primarily by tank car or tank truck, or both. (Section 1.14 of the Act)

"Total distance" for purposes of the motor fuel use tax means all miles traveled during the reporting period by every commercial motor vehicle in the licensee's fleet, regardless of whether the miles are considered taxable or nontaxable by a jurisdiction.

"Weight" for purposes of the motor fuel use tax means the maximum weight of the loaded vehicle or combination of vehicles during the registration period.

(Source: Amended at 22 Ill. Reg. 2253, effective JAN 09 1998)

## SUBPART B: MOTOR FUEL TAX

## Section 500.202 Basis and Rate of Tax Payable by Receivers

- a) Except as hereinafter provided, on and after January 1, 1990 and prior to January 1, 1998, a tax of three-tenths of a cent per gallon is imposed upon the privilege of being a receiver in this State of fuel for sale or use.
- b) The tax shall be paid by the receiver in this State who first sells or uses fuel. In the case of a sale, the tax shall be stated as a

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separate item on the invoice.

- c) For the purpose of the tax imposed by this Section, being a receiver of "motor fuel" as defined by Section 1.1 of the Act, and aviation fuels, home heating oil and kerosene, but excluding liquified petroleum gases, is subject to tax without regard to whether the fuel is intended to be used for operation of motor vehicles on the public highways and waters. However, no such tax shall be imposed upon the importation or receipt of aviation fuels and kerosene at airports with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants for sale to or use by holders of Certificates of Public Convenience and Necessity or foreign air carrier permits, issued by the United States Department of Transportation, and their air carrier affiliates, or upon the importation or receipt of aviation fuels and kerosene at facilities owned or leased by those certificate or permit holders and used in their activities at an airport described above. In addition, no such tax shall be imposed upon the importation or receipt of diesel fuel by a rail carrier, registered pursuant to Section 18c-7201 of the Illinois Vehicle Code and used directly in railroad operations. In addition, no such tax shall be imposed when the sale is made with delivery to a purchaser outside the State or when the sale is made to a person holding a valid license as a receiver. In addition, no tax shall be imposed upon diesel fuel consumed or used in the operation of ships, barges, or vessels, that are used primarily in or for the transportation of property in interstate commerce for hire on rivers bordering on this State, if the diesel fuel is delivered by a licensed receiver to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river. A specific notation thereof shall be made on the invoices or sales slips covering each sale. (Section 2a of the Law)

(Source: Amended at 22 Ill. Reg. 22 53, effective JAN 09 1998)

## Section 500.205 Daily Gallonage Record

Distributors, receivers, bulk users and suppliers are required **expected** to maintain an accurate, actual, daily record of gallonage in storage facilities. Detailed records of all gallonage delivered into storage facilities must be made available to authorized Department employees and must contain the following information:

- date of delivery;
- invoice number;
- manifest/bill of lading number;
- location of receipt;
- seller's name and address;
- fuel type; and

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- g) pipeline batch number, if delivered by pipeline. Carelessness in not keeping such records is frequently the means of building false inventories. The burden is also upon the distributor, supplier, bulk user or receiver to see to it that the valves on bulk plants function properly. This will have a tendency to eliminate substantial losses under various climatic conditions.

(Source: Amended at 22 Ill. Reg. 22 53, effective JAN 09 1998)

## Section 500.215 Documentation of Tax-free Sales of Fuel Made by Licensed Receivers

- Exemption for importation of aviation fuels and kerosene at qualified airports or by facilities owned or leased by qualified holders of Certificates of Public Convenience and Necessity or foreign air carrier permits (see Section 500.202 for a description of such persons). The seller shall make a specific notation on the invoice regarding the nature of the exemption. In addition, he shall retain the invoice date and number, name of carrier, name of purchaser, Illinois origin, Illinois destination and invoiced gallons.
- Exemption for importation of diesel fuel by qualified rail carriers (see Section 500.202 for a description of such persons). The seller shall make a specific notation on the invoice regarding the nature of the exemption. In addition, he shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination and invoiced gallons. A specific notation regarding the nature of the exemption shall be made on the invoice.
- Receivers making sales of fuel which are delivered to points outside of Illinois. A specific notation regarding the nature of the exemption shall be made on the invoice. In addition, the seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination and invoiced gallons.
- Sales of fuel made to other licensed receivers in Illinois. A specific notation shall be made on the invoice regarding the nature of the exemption. In addition, the seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination, purchaser's license number and invoiced gallons.
- Receivers making sales of diesel fuel consumed or used in the operation of ships, barges, or vessels, that are used primarily in or for the transportation of property in interstate commerce for hire on rivers bordering on this State, if the diesel fuel is delivered by a licensed receiver to the purchaser's barge, ship, or vessel while it is afloat upon the bordering river (see Section 500.202 for a



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description of such receivers). A specific notation shall be made on the invoice regarding the nature of the exemption. In addition, the seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, destination and invoiced gallons.

(Source: Amended at 22 Ill. Reg. 2259, effective JAN 09 1998)

### Section 500.230 Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers

- a) Distributors are required to pay the tax on all motor fuel (of the type they are required by the second paragraph of Section 5 of the Motor Fuel Tax Law to report to the Department when filing a return) used or consumed by them, whether for taxable or nontaxable purposes. If the motor fuel is consumed for statutory nontaxable purposes, a claim for credit or refund may thereafter be filed as provided by the Motor Fuel Tax Law and on the form prescribed by the Department for that purpose.
- b) Suppliers are required to pay the tax on all special fuel used or consumed by them, whether for taxable or nontaxable purposes. If the special fuel is consumed for statutory nontaxable purposes, a claim for credit or refund may thereafter be filed as provided by the Motor Fuel Tax Law and on the form prescribed by the Department for that purpose.
- c) Receivers are required to pay tax on all fuel, as defined by Section 1.19 of the Motor Fuel Tax law, used or consumed by them.
- d) In addition to the daily gallonage requirements of Section 500.205, distributors, suppliers, receivers, and bulk users are required to keep detailed records of all motor fuel and fuel withdrawn from storage facilities for highway and nonhighway use by the distributor, supplier, receiver and bulk user. This information must contain the following information:
  - 1) Date of withdrawal.
  - 2) Number of gallons by fuel type.
  - 3) Description of vehicle or equipment into which the fuel or motor fuel was delivered.
  - 4) Unit number, license plate number, or vehicle identification number (VIN) of the vehicle or equipment.
  - 5) Detailed description of the purpose for which the fuel or motor fuel was used.

(Source: Amended at 22 Ill. Reg. 2259, effective JAN 09 1998)

### Section 500.235 Claims for Refund - Invoices

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- a) Claims for the refund of Motor Fuel Tax imposed by Section 2 of the Law, by persons other than a distributor or supplier, shall be made to the Department of Revenue, duly verified by the ~~affidavit~~ of--the claimant, upon forms prescribed by the Department. Except as provided in subsection ~~par-~~ (c) of this Section, the Department of Revenue will not approve claims for refund of Motor Fuel Tax unless such claims are supported by invoices or sales slips (commonly referred to as the top copy). Reproductions may be submitted in lieu of originals, provided they are legible. However, the Department may require original invoices to verify purchases. Manifests or monthly statements will not be treated as invoices.
- b) All sales slips or invoices must contain the following information:
  - 1) Date of delivery;
  - 2) name and address of purchaser (which must be the name of the claimant);
  - 3) name and address of seller;
  - 4) number of gallons purchased and price per gallon;
  - 5) Illinois Motor Fuel Tax as separate item; and
  - 6) receipt of payment. (Only paid invoices are acceptable in connection with claims for refund.) Refunds will only be issued when payment of tax is exactly correlated to the invoice for which the claim is being filed.
- c) Claimants must file invoices or sales slips in conjunction with claims based upon motor fuel used for a nontaxable purpose. In making a claim, claimants must show total purchases, deducting the gallonage used upon public highways or waters, the difference being the net amount upon which the claim is based. Only invoices directly supporting the nontaxable use are required to be submitted. However, claimants must retain among their books and records documentation of all purchases, payments, bulk storage withdrawals and proof of usage for a period equivalent to that during which an assessment can be issued under the Law, from the date of issuance of the claim or refund. This information must be made available to Department employees upon request. Failure to keep such records may result in recovery of any claims paid.
- d) Where the claimant has lost invoice(s) through inadvertence or an act of God, the Department will permit the claimant to submit his affidavit in lieu of such invoice in support of the claim, if the affidavit contains the same information which the invoice was required to contain, plus a statement of facts explaining the loss of the invoice and justifying the substitution of an affidavit for the invoice.
- e) Claims for full reimbursement of tax paid on motor fuel must be filed not later than one year after the date on which the tax was paid by the claimant. If, however, a claim for such reimbursement otherwise meeting the requirements of the Act is filed more than one year but less than 2 years after that date, the claimant shall be reimbursed at the rate of 80% of the amount to which he would have been entitled if



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his claim had been timely filed.

- f) Claims accompanied by sales slips or invoices upon the face of which there is evidence of change of name, date or gallonage or other evidence of fraud, or which are illegible, will be disallowed in their entirety.
- g) Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes paid to another state and the amount of motor fuel used in that state. Evidence supporting the claim must include both a copy of the tax return filed with such other state and a copy of the cancelled check or a receipt acknowledging payment of the tax due on said tax return.
- h) *Claims for refunds for the motor fuel tax imposed by Section 2 of the Law approved by the Department shall be paid within 90 days after receipt of a complete and correct application for such a refund. If refunds are paid after the expiration of the 90 day period, the Department shall also pay from the Motor Fuel Tax Fund to the taxpayer interest at the rate and in the manner set by the Uniform Penalty and Interest Act [35 ILCS 505/15.1].*

(Source: Amended at 22 Ill. Reg. 220203 effective JAN 09 1998)

## Section 500.265 Distributors' and Suppliers' Claims for Credit or Refund

- a) Filing of Claims. Any distributor or supplier who shall have paid Motor Fuel Tax upon motor fuel used by such distributor or supplier for any purpose other than operating a motor vehicle upon the public highways or waters, may file a claim for credit or refund to recover the amount so paid. Such claims shall be filed on forms prescribed by the Department. Such claims shall be made to the Department, duly verified by the ~~affidavit of the~~ claimant (or by the claimant's legal representative if the claimant shall have died or become a person under legal disability). The claim shall state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary and shall state when the nontaxable use occurred and shall specify the purpose for which such motor fuel was used by the claimant, together with such other information as the Department may reasonably require. Claims for credit or refund for tax paid on motor fuel purchased on or after July 1, 1965, must be filed not later than one year after the date on which tax was paid by the claimant. In case the distributor or supplier requests and the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the

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amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department shall provide for the payment of refunds in hardship cases as provided in 86 Ill. Adm. Code §30.1510.

- b) Issuance of Credit Memoranda - Use Thereof to Satisfy Prior Rights of Department. The Department may make such investigation of the correctness of the facts stated in such claims for credit or refund as it deems necessary. When the Department approves a claim for credit or refund the Department shall issue a refund or credit memorandum to the distributor or supplier who made the payment for which the refund or credit is being given or, in the event that such distributors or suppliers shall have died or become incompetent, to such distributor's or supplier's legal representative, as such. The amount of such refund or credit memorandum shall first be credited against any tax due or to become due under the Act from the distributor or supplier who made the payment for which credit has been given. This means that if there is an established or admitted unpaid Motor Fuel Tax liability on the part of the claimant, the amount of the credit or refund will be credited against the tax that is due. If the credit or refund is in an amount less than that of the unpaid liability, the credit or refund shall be applied against such liability. If the amount of the credit or refund exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, the Department will issue a new credit memorandum or refund representing the difference between that of the original credit or refund found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum or refund will be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Act. If a proceeding to establish such an unpaid liability is pending, the credit memorandum or refund will be held by the Department until such proceeding is concluded; and if such proceeding results in a determination that Motor Fuel Tax is due from the claimant, the credit memorandum or refund will be applied by the Department, to the extent which may be necessary, in liquidation of such liability, and the balance of the credit memorandum or refund, if any (after cancellation of the credit memorandum or refund applied in liquidation of said liability), will be issued in the form of a new credit memorandum or refund and delivered to the person entitled to receive delivery thereof.
- c) Disposition of Credit Memoranda by Holder Thereof
- 1) Assignment of Credit Memoranda. Credit memoranda may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:
    - A) That the assignment is made to a person who is licensed as a distributor of motor fuel or a supplier of special fuel under the Law;

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B) that there is no proceeding pending to establish an unpaid Motor Fuel Tax liability against the assignor; and

C) that there is no established or admitted unpaid Motor Fuel Tax liability against the assignor; provided, that if the amount of the credit memorandum must first be applied, in whole or in part, against an unpaid liability of the claimant-assignor, notice to this effect will be given the claimant-assignor by the Department. If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect. If there is no unpaid liability and no proceedings pending to determine a liability as aforesaid, and if the assignee is a licensed distributor of motor fuel, the request for leave to assign will be approved. The original credit memorandum will be cancelled, and a new credit memorandum will be issued to the assignee in the amount shown on the cancelled memorandum. However, before a credit memorandum is issued to the assignee, the amount of such credit will be applied, to the extent that may be necessary, in liquidation of any unpaid Motor Fuel Tax liability of the assignee, and a credit memorandum for the balance, if any, will be issued to the assignee, provided that there is no proceeding pending against the assignee to establish an unpaid Motor Fuel Tax liability against him. If a proceeding to establish such an unpaid liability is pending, the credit memorandum will be held by the Department until such proceeding is concluded; and if such proceeding results in a determination that Motor Fuel Tax is due from the assignee, the credit will be applied by the Department, to the extent which may be necessary in liquidation of such liability, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of said liability), will be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

2) Submission of Credit Memoranda With Monthly Returns. Credit memoranda, in the hands either of the original claimant or of his assignee, may be submitted to the Department, along with monthly tax returns, in payment of Motor Fuel Tax due from the holder of such credit memoranda. If, after applying any such credit memorandum against the amount of tax shown to be due by the tax return with which the credit memorandum is submitted, the Department finds that there is a balance of the credit memorandum in favor of the distributor or supplier submitting the credit memorandum, the Department will cancel the credit memorandum that has been submitted and will issue and deliver to such distributor

or supplier a new credit memorandum for such balance. This process will be followed until the credit, to which such distributor or supplier is entitled, is exhausted. However, any new credit memorandum, which is issued as provided in this paragraph for a balance of credit due the distributor or supplier after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is first issued (see subsection paragraph (b) of this Section) or when leave to assign a credit memorandum is requested (see subsection paragraph (c)(1) of this Section).

d) Refunds to Distributors and Suppliers. If any distributor or supplier ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum, such distributor or supplier may, at his election (instead of assigning the credit memorandum to another licensed distributor or supplier under the Act), surrender such unused credit memorandum to the Department and receive a refund in lieu thereof.

e) Claims filed under this Section for overpayment of the Motor Fuel Tax imposed by Section 2 of the Law shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act. [35 ILCS 505/13] Claims made under this Section that are based upon motor fuel used for any purpose other than operating a motor vehicle upon the public highways or waters shall be paid within 90 days after receipt of a complete and correct application for credit. If credits based upon motor fuel used for any purpose other than operating a motor vehicle upon the public highways or waters are issued after expiration of the 90 day period, the Department shall include interest at the rate and in the manner set by the Uniform Penalty and Interest Act. [35 ILCS 505]

(Source: Amended at 22 Ill. Reg. 2259, effective JAN 9 1998)

## Section 500.270 Receivers' Claims for Credit

Any receiver who has paid the tax imposed by Section 2a of the Motor Fuel Tax Law (either directly to the Department or to another licensed receiver) upon fuel exported or sold under the exemptions provided in Section 2a may file a claim for credit to recover the amount so paid. Such claims shall be made to the Department, duly verified by the affidavit of the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture, production, export, or sale of the fuel by the claimant as the Department may deem necessary together with such other information as the Department may



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*reasonably require. Claims--must--be--filed--not--later--than--one--year after the date on which the tax--was--paid--by--the--claimant: The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a credit memorandum to the receiver who made the payment for which the credit is being given or, if the receiver has died or become incompetent, to such receiver's legal representative. The amount of such credit memorandum shall be credited against any tax due or to become due under this Act from the receiver who made the payment for which credit has been given. (Section 13 of the Law) Claims filed under this Section for overpayment of the tax imposed by Section 2a of the Law approved by the Department shall bear interest at the rate and in the manner set by the Uniform Penalty and Interest Act.*

(Source: Amended at 22 Ill. Reg. 9253, effective JAN 09 1998)

## SUBPART C: MOTOR FUEL USE TAX

## Section 500.300 Licensure

- a) Except as provided in Section 500.320, no motor carrier shall operate commercial motor vehicles, as defined in Section 500.100, in Illinois without first securing a motor fuel use tax license and decals issued by the Department under either the IFTA or the Illinois interstate program or an IFTA--motor--fuel--use--tax--license--and--decals--issued--under--the--international--fuel--tax--Agreement by any member jurisdiction.
- b) Illinois IFTA credentials may be obtained from the Department by Illinois based carriers who operate one or more commercial motor vehicles in at least one other IFTA-member jurisdiction. Illinois based carriers are those carriers whose operational control and records for their vehicles are maintained or can be made available in Illinois and whose commercial motor vehicles accrue miles in Illinois. Carriers who are based in a non-IFTA state will not be issued IFTA credentials by the Department, unless issuance is granted for fleet consolidation purposes.
- An Illinois carrier registered under the IFTA must consolidate all vehicles in its fleet. Fleet consolidation must include commercial motor vehicles based in other IFTA jurisdictions and non-IFTA jurisdictions, and may include motor vehicles which travel exclusively intrastate, regardless of jurisdiction.
- c) Motor carriers operating commercial motor vehicles that are based in a state that has not joined IFTA, and who wish to operate in Illinois, may apply for an Illinois IFTA Interstate-Motor-Fuel-Use-Tax license and decals. If such carriers do not wish to obtain these credentials, they must obtain single trip permits before operating

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in Illinois.

- d) Motor vehicles operated by the State of Illinois or the United States government, recreational vehicles and school buses are not required to register as provided in subsection (a). However, if these carriers will travel in other jurisdictions, they may wish to obtain a motor fuel use tax license and decals under the provisions of the International Fuel Tax Agreement. This will allow the carrier, when in an IFTA jurisdiction that does not consider it exempt, to avoid receiving citations or being required to obtain the proper credentials (e.g., single trip permits). If the carrier is travelling in a non-IFTA jurisdiction and is not considered to be exempt from fuel tax reporting requirements, it must purchase single trip permits or otherwise obtain the proper motor fuel use tax credentials required by the laws of that particular jurisdiction.
- e) In order to establish and maintain the concept of one license and administrative base jurisdiction for each licensee, the Department shall issue only one license to each person.

(Source: Amended at 22 Ill. Reg. 9253, effective JAN 09 1998)

## Section 500.305 Licenses and Decals

- a) Applications for motor fuel use tax licenses and decals shall be made under oath and on forms provided by the Department. Information provided to the Department shall include:
- 1) a carrier's Federal Employer Identification Number (in the case of a sole proprietorship, the Social Security number of the owner);
  - 2) owner, partnership or corporate name;
  - 3) name, title and social security number of all officers, partners or owners;
  - 4) legal business name (if different from subsection (a)(2));
  - 5) physical location of the business;
  - 6) mailing address of the business;
  - 7) signature of the applicant. All applications must be signed by an officer, partner, or owner of the entity seeking licensure, or an employee who has the control, supervision or responsibility of filing returns and making payment of the tax. Reporting services or other persons responsible for reporting a licensee's tax obligations under a power of attorney are permitted to sign an application on behalf of any applicant provided that a properly executed power of attorney accompanies each application;
  - 8) type of fuel(s) used by applicant;
  - 9) number of decals required by the licensee;
  - 10) decal fee;
  - 11) for IFTA applicants, a statement of the existence of bulk



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storage facilities in all member jurisdictions; and

12) a statement that the applicant agrees to comply with reporting, payment, recordkeeping, and license display requirements, and all applicable regulations. IFTA applicants must agree that the base jurisdiction may withhold any refunds due if the applicant is delinquent on payment of motor fuel use taxes due any member jurisdiction or taxes owed to the Department; and

13) Such other information as the Department deems necessary.

b) Bonds are not required for first-time applicants. However, bond may be required for just cause, as determined by the Department. Bonds may be required when a licensee fails to file timely reports, when he fails to remit the proper tax, when the Department has twice received a Non-Sufficient Funds check as payment, or when an audit indicates problems severe enough that, in the Director's discretion, a bond is required to protect the interests of the Department. If a bond is required, it shall be equal to at least ~~in-the-amount-of-\$1000~~ the reporting period, whichever is greater or twice the estimated average quarterly tax liability ~~for the reporting period, whichever is greater~~. The average tax liability upon which the bond is based shall be determined by taking into consideration the amount of motor fuel expected to be used in all jurisdictions by such applicant. The penalty fixed by the Department shall be such as, in its opinion, will protect the State of Illinois against failure to pay the amount hereinafter provided on motor fuel used (Section 13a.4 of the Law).

c) ~~Neither a license or decals shall be issued to any person who fails to file a return, or to pay the tax, penalty or interest for a filed return, or to pay any final assessment of tax, penalty or interest, as required by the Law, or as required by any other tax Act administered by the Department [20 ILCS 2505/39b47].~~

d) Persons required to file bonds with the Department must make payments by certified check.

e) Upon receipt of a complete application for a license and decals, including payment for decals, any required reinstatement fees and provision of an approved bond, if applicable, the Department will issue each applicant one license. In addition to the license, a minimum of two decals per commercial motor vehicle will also be issued. A license and decals will only be sent to the licensee. A license and decals are valid for a period of one calendar year.

(Source: Amended at 22 Ill. Reg. 2253, effective JAN 9 1998)

## Section 500.320 Single Trip Permits

a) If a commercial motor vehicle does not have motor fuel use tax credentials under ~~either IFTA or the Illinois--interstate--motor--fuel use-tax-program~~, a single trip permit to operate in Illinois must be

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obtained. A single trip permit may be obtained upon proper application from the Department or its agents.

b) A single trip permit authorizes operation of a commercial motor vehicle for a single trip through the State of Illinois, or from a point on the border of this State to a point within and return to the border.

c) The fee for each single trip permit shall be \$20 and such single trip permit is valid for a period of seventy-two hours. This fee is in lieu of the tax and all reports required by Section 13a.3 of the Law, as well as the registration, decal display and furnishing of bond required by Section 13a.4 of the Law.

(Source: Amended at 22 Ill. Reg. 2253, effective JAN 9 1998)

## Section 500.335 Quarterly Payment and Reporting

a) Every person holding a valid unrevoked motor fuel use tax license issued by the Department under ~~either the Illinois--interstate--motor fuel-use-tax-program or under~~ the provisions of the IFTA shall file a quarterly motor fuel use tax return, along with full payment of taxes, with the Department. Returns are due, even if no operations were conducted during the reporting period. The due date for the return and full payment of taxes is the last day of the month immediately following the close of the quarter for which the return is being filed. Returns and full payment of taxes are due on or before the following dates:

Reporting Quarter	Due Date
January - March	April 30
April - June	July 31
July - September	October 31
October - December	January 31

If the due date is a Saturday, Sunday, or legal holiday, the next business day is considered the due date. Each motor fuel use tax return should be mailed in a separate envelope.

b) The taxable event is the consumption of motor fuel, as defined in Section 500.100 of this Part, used to operate commercial motor vehicles. For tax payment and reporting purposes, all motor fuels placed in supply tanks of commercial motor vehicles, and all miles travelled, are taxable. Carriers must utilize the procedures in Section 500.235 for refunds for off-road or non-highway use.

c) For IFTA licensees: The IFTA provides that member jurisdictions may determine what type of motor fuels and miles travelled are exempt from tax, and are therefore not reportable. Carriers

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should contact member jurisdictions to determine what types of fuel and miles travelled are exempt from taxation. For IFTA carriers, claims for refunds for fuel used for any purpose other than propelling a commercial motor vehicle upon public highways must be made directly to the respective jurisdiction.

- d) The quarterly return shall include a statement of the total number of miles travelled, as well as total miles travelled in each jurisdiction and in Illinois during the previous calendar quarter; the total number of gallons and type of reportable motor fuel consumed on the highways of all jurisdictions, as well as in each jurisdiction and in Illinois, and the total number of gallons and types of tax paid fuel purchased within each jurisdiction during the previous calendar quarter; and the total (net) of tax due the base jurisdiction on behalf of all jurisdictions. Licensees shall report all required information, and may not include miles operated and gallons of fuel purchased that were unavailable during any prior quarters. If a licensee does not include all required information, and that information is subsequently available, he must file an amended return, which will include penalty and interest.

- e) Fuel and distance must be reported in gallons and miles. The conversion rates are:

One liter	= 0.2642 gallons
One gallon	= 3.785 liters
One mile	= 1.6093 kilometers
One kilometer	= 0.62137 mile

- f) For carriers registered under the IFTA which consume compressed natural gas and other fuels that cannot be measured in gallons, the fuels must be converted to gallons using the conversion factor used by the jurisdiction in which the fuel was consumed. The conversion rate for compressed natural gas is 14.7 pounds per square inch for 1 gallon or 1.24 therms of compressed natural gas for 1 gallon.

- g) In order for a licensee to obtain credit for tax-paid retail purchases, a receipt or invoice, a credit card receipt, or microfilm/microfiche of the receipt or invoice must be retained by the licensee showing evidence of such purchases and tax having been paid by the licensee directly to the applicable jurisdiction or at the pump. The receipt must contain the following information:

- 1) date of purchase;
- 2) seller's name and address;
- 3) number of gallons purchased;
- 4) fuel type;
- 5) price per gallon or total amount of sale;
- 6) unit numbers; and
- 7) purchaser's name (in the case of a lessee/lessor agreement, receipts will be accepted in either name, provided a legal

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- h) connection can be made to reporting party). In the case of withdrawals from licensee-owned, tax-paid bulk storage, credit may be obtained only if the following records are maintained:

- 1) date of withdrawal;
- 2) number of gallons;
- 3) fuel type;
- 4) unit number (upon application by a licensee, the Department may waive the requirement of unit numbers for fuel withdrawn from the licensee's own bulk storage and placed in its commercial motor vehicles. The licensee must show that adequate records are maintained to distinguish fuel placed in commercial vs. non-commercial motor vehicles for all member jurisdictions); and

- 5) purchase and inventory records to substantiate that tax was paid on all bulk purchases.

- i) Carriers registered under the IFTA must pay all taxes due to all member jurisdictions with one check, to be made payable to the Department. Payment by certified check is required of licensees who are required to post a bond.

- j) Returns shall be filed on forms provided by the Department. However, with written approval from the Department, a licensee may submit a computer-generated tax return instead of the Department supplied return. Computer-generated tax returns will be approved only if they contain all the same information, are in the same format and are on the same size paper, as the Department's return.

- k) If a licensee uses a reporting service for his motor fuel use taxes, a power of attorney must be placed on file annually at the time of renewal. Filing a power of attorney does not relieve the licensee of the legal obligations associated with the license. The licensee is responsible for the payment of taxes as well as all acts and omissions of the reporting service. If a power of attorney is on file, the Illinois Department of Revenue will mail the quarterly tax return to the reporting service. Decal and renewal applications, however, will always be mailed directly to the licensee.

- l) Reports not filed or full payment of taxes not made by the due date shall be considered late and any taxes due considered delinquent. The licensee shall be assessed a penalty of 50 or 10 percent of the delinquent taxes, whichever is greater, for failure to file a report, for filing a late report, or for underpayment of taxes due. Tax shall bear interest at the rate of 1 percent per month or fraction of month until paid. For reasonable cause shown, the Department may waive a penalty. For IFTA licensees, the Department may waive interest for another jurisdiction only with that jurisdiction's approval.

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(Source: JAN 09 1998 at 22 Ill. Reg. 2253, effective 2253.)

## Section 500.340 Credits and Refunds

- a) A licensee shall receive full credit or refund for tax-paid fuel used outside the jurisdiction where the fuel was purchased. For ~~Illinois~~ ~~interstate program licensees, as to each gallon of motor fuel purchased in Illinois by such motor carrier during the previous calendar quarter in excess of the number of gallons of motor fuel used by such motor carrier on the highways of Illinois during such previous calendar quarter, the licensee may take a credit for the current calendar quarter's tax liability.~~ For IFTA licensees, a licensee may apply the overpayment generated in one jurisdiction to the taxes owed to another jurisdiction.
- b) Credits shall be carried over to offset liabilities of the licensee in future reporting periods until the credit is fully offset or until eight calendar quarters shall have passed since the end of the calendar quarter in which the credit accrued, whichever occurs sooner. If the credit has not been used to offset liabilities in 8 calendar quarters, it shall be refunded to the licensee.
- c) Credits and refunds will be made only when all tax liability, including audit assessments, has been paid to the Department or when all motor fuel use tax liabilities, including audit assessments, penalty and interest owed to other jurisdictions, has been satisfied.
- d) Refunds will not be made for amounts under \$1. Amounts less than \$25 will be credited, and sums of \$25 and over will be automatically refunded.
- e) Refunds determined to be properly due shall be paid within 90 days after receipt of a request by the licensee. If not so paid, interest shall accrue at the rate of 1 percent per month or fraction thereof until the refund is paid.
- f) No credit or refund shall be allowed or made based upon:
  - 1) a return filed more than four years ~~one year~~ after the due date of such return, or the date the return is filed, whichever is later; or
  - 2) overpayments for which records are no longer required to be kept. A request for a refund shall extend the records requirement date until the refund is made or denied.
- g) While not required to be attached to the return, proof of tax-paid purchases, as specified in Section 500.335(g) or (h), must be retained by the licensee.
- h) For carriers registered under the IFTA, credits or refunds for tax paid on tax-exempt fuels must be made directly with the participating jurisdiction.

(Source: Amended at 22 Ill. Reg. 2253, effective 2253.)

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## Section 500.350 Revocation

- a) The Department may revoke the motor fuel use tax license of a carrier registered under ~~either the Illinois-Interstate or IFTA~~ program for violation of any provision of the Law or any rules promulgated thereunder. Causes for revocation include, but are not limited to, failure to file a quarterly tax return or to remit all taxes due, or improper use of decals.
- b) The Department shall send the licensee a written notice of its decision to revoke a license. Unless the licensee timely protests the Department's determination as provided for in Section 500.355, the revocation is final.
- c) A licensee whose license has been revoked may have that license reinstated if the condition which caused revocation is remedied. The carrier must pay a \$100 reinstatement fee and file a new application for a license and decals. Carriers whose license has been revoked and then reinstated will be required to post a bond in accordance with the provisions of Section 500.305.

(Source: Amended at 22 Ill. Reg. 2253, effective JAN 09 1998.)

## Section 500.355 Protest Procedures

- a) A licensee or applicant may protest an action or audit finding made by the Department by submitting a written request for a hearing within 30 days after notification of the notice of the original action or finding. If the hearing is not requested within 30 days, the Department's action becomes final.
- b) In the case of an audit, if the licensee is in disagreement with the original audit finding of the Department, it may request any or every jurisdiction to audit the licensee's records. Each jurisdiction to which a request is made may elect to accept or deny the request. Each jurisdiction electing to audit the licensee's records will audit only for its own portion of the licensee's operations. The licensee shall make records available at the office of the jurisdiction or at a place designated by the jurisdiction or pay reasonable per diem and travel expenses associated with conducting an audit at the licensee's place of business.
- c) Hearings that have been timely requested will be scheduled by the Department. The Department will provide written notice of the date, time, and place of the hearing at least 20 days prior to the hearing date.
- d) Hearings shall be conducted in accordance with the provisions of the Illinois Administrative Procedure Act [5 ILCS 100] and regulations promulgated thereunder found at 86 Ill. Adm. Code 200.101 through



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200.225, 200.175.

e) The Department shall notify the licensee of the findings of fact and ruling on the hearing. If, within 35 days from the date the licensee receives notice of such decision, proceedings for review thereof are not instituted in the manner provided by the Administrative Review Law (735 ILCS 5/Art. 111), the decision shall become final.

f) For IPTA licensees only, the Department shall participate in the hearing on behalf of all member jurisdictions.

(Source: Amended 22 Ill. Reg. 200.225, effective  
JAN 09 1993 )

## SUMMARY OF INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

**Section 500.600 Incorporation of the Retailers' Occupation Tax Regulations by Reference**

The following Sections of the Retailers' Occupation Tax Regulations are incorporated by reference and made a part hereof insofar as they can be applied without conflict to the provisions of the Motor Fuel Tax Law or any regulations promulgated thereunder: 86 Ill. Adm. Code 130.81's (except as applied to motor fuel use tax licensees), 130.901 (except as applied to motor fuel use tax licensees), 130.1510, 130.1601, and 130.1701. The references to "taxpayer" in 86 Ill. Adm. Code 130.1601 and 130.1701 shall apply to "licensees".

(Source: Amended 22 Ill. Reg. 200.175, effective  
JAN 09 1993 )

## DEPARTMENT OF STATE

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1) Heading of the Part: Rules of the Road - Handicapped Parking

2) Code Citation: 92 Ill. Adm. Code 1100

3) Section Number: Adopted Action

1100.5 Repeal

1100.7 Repeal

1100.10 Repeal

1100.20 Repeal

1100.30 Repeal

4) Statutory Authority: 625 ILCS 5/3-704, 11-1301.3, 11-1301.5, and 11-1301.6

5) Effective Date of Amendment: January 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 1, 1998

9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 1314# (September 26, 1997).

10) Has JCAR Issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version: None.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? No changes were necessary.

13) Will this rule replace any Emergency Rule(s) currently in effect? No

14) Are there any other amendments pending on this Part? Yes. 92 Ill. Adm. Code 1100.5 et seq - new part

15) Summary and Purpose of Rule: This rulemaking repeals the former provisions regarding the issuance and withdrawal of persons with disabilities registration plates, parking decal or devices as these provisions are being replaced with new rulemaking proposed in response to PA 90-106.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy G. Faum  
Deputy General Counsel

## SECRETARY OF STATE

## NOTICE OF ADOPTED REPEALER

Room 288, Howlett Building  
Springfield, Illinois 62756  
217/782-2192

## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Rules of the Road - Handicapped Parking

2) Code Citation: 92 Ill. Adm. Code 1100

3) <u>Section Numbers</u>	<u>Adopted Action</u>
1100.5	New
1100.10	New
1100.15	New
1100.20	New
1100.25	New
1100.30	New
1100.35	New
1100.40	New

4) Statutory Authority: 625 ILCS 5/3-704, 11-1301.3, 11-1301.5, and 11-1301.6

5) Effective Date of Amendments: January 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal office: January 1, 1998

9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 13149 (September 26, 1997).

10) Has JCAR Issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version: The comments of the Administrative Code Unit, Office of the Secretary of State as well as the Joint Committee on Administrative Rules have been included in this version.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes

13) Will this rule replace any Emergency Rule(s) currently in effect? No

14) Are there any other amendments pending on this Part? Yes. A repealer of former part 1100.

15) Summary and Purpose of Rule: This rulemaking revises the procedures for issuance of a person with disabilities registration plate, parking decal or device and also explains when these items will be revoked. The rulemaking is filed in response to PA 90-106.

## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

- 16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy G. Easum  
Deputy General Counsel  
Room 288, Howlett Building  
Springfield, Illinois 62756  
217/782-2192

The full text of the Adopted Rule begins on the next page.

## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1100

## RULES OF THE ROAD - HANDICAPPED PARKING

Section	Definitions
1100.5	Application Procedures for Plates and Decals or Devices
1100.10	Authorized Issuing Agents for Person-with-Disabilities Parking Decals or Devices
1100.15	Person-with-Disabilities Parking Decals or Devices
1100.20	Random Physician License Number Checks with the Department of Professional Regulation
1100.25	Corporations, School Districts, and Special Education Cooperatives
1100.30	Revocation of Plates and Decals or Devices
1100.35	Revocation Authority for Plates and Decals or Devices
1100.40	

AUTHORITY: Implementing and authorized by Section 3-616 of the Illinois Vehicle Title and Registration Law and Section 11-1301.2 of the Illinois Rules of the Road [625 ILCS 5/3-616 and 11-1301.2].

SOURCE: Adopted at 4 Ill. Reg. 11, p. 74, effective February 29, 1980; codified at 6 Ill. Reg. 12703; amended at 9 Ill. Reg. 12868, effective August 2, 1985; amended at 12 Ill. Reg. 8448, effective May 2, 1988; old Part repealed and new Part adopted at 22 Ill. Reg. 803, effective JAN 01 1998.

## Section 1100.5 Definitions

"Affirmation by an authorized agent" means the agent for said corporation, school district or special education cooperative attests that the individuals being transported are qualified under 625 ILCS 5/1-159.1 and are permanently disabled (i.e., indefinitely subject to a physical disability or a developmental disability as defined in Section 4A(a) of the Illinois Identification Card Act).

"Authorized holder" means an individual issued a person-with-disabilities license plate under 625 ILCS 5/3-616 or an individual issued a person-with-disabilities parking decal or device under 625 ILCS 5/11-1301.2.

"Certification by a licensed physician", as required by 625 ILCS 5/3-616(a), means a statement by a licensed medical doctor, affirming that the applicant for a person-with-disabilities parking plate or decal or device is a disabled person in accordance with 625 ILCS 5/1-159.1.



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## NOTICE OF ADOPTED RULES

"Decal or device" means a card described in Section 1100.10(a) which, when displayed in a vehicle, authorizes the parking of the vehicle in parking spaces reserved for the disabled, and authorizes other parking privileges as outlined in 625 ILCS 5/11-1301.1. "Decal or device" does not mean a sticker with adhesive backing which is permanently affixed to the vehicle.

"False information" means any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the application for a person-with-disabilities license plate or parking decal or device that falsifies the content of the application.

"Fictitious person-with-disabilities license plate or parking decal or device" means any person-with-disabilities license plate or parking decal or device which has been issued by the Secretary of State or authorized unit of local government which was issued based upon false information contained on the required application.

"Fraudulent person-with-disabilities license plate or parking decal or device" means any person-with-disabilities license plate or parking decal or device which purports to be an official person-with-disabilities license plate or parking decal or device and has not been issued by the Secretary of State or an authorized unit of local government.

"Person with disabilities" means a natural person who, as determined by a licensed physician: cannot walk 200 feet without stopping to rest; cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mmhg on room air at rest; uses portable oxygen; has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association (Classification of Functional Capacity and Objective Assessment of Patients with Diseases of the Heart, 7272 Greenville Avenue, Dallas, Texas, effective March 4, 1994, no subsequent dates and editions); or is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

"Temporary disability" means a disability that lasts up to six months and is not permanent in nature.

"Unlawfully altered person-with-disabilities license plate or parking

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"Decal or device" means any persons with disabilities license plate or parking decal or device issued by the Secretary of State or authorized unit of local government which has been physically altered or changed in such a manner that false information, which may include but shall not be limited to incorrect expiration date or incorrect decal or device number, appears on the license plate or parking decal or device.

"While the person with disabilities is present," as that term is used in 625 ILCS 5/11-1301.1, means that the person with disabilities must either exit or enter the vehicle while the vehicle is parked in a designated person-with-disabilities parking area or in an area where parking meter time restrictions are waived. In other words, an able-bodied driver cannot drop off the person with disabilities at the entrance to a facility, park in a person-with-disabilities parking space, and then return to pick up the person with disabilities.

## Section 1100.10 Application Procedures for Plates and Decals or Devices

a) If a person wishes to apply for a person-with-disabilities license plate, he/she must be resident of the State of Illinois and shall submit the following to the Secretary of State:

- 1) The physician's certification on a form prescribed by the Secretary of State completed by the physician and the applicant;
- 2) The current registration card or a copy of the title if the vehicle is registered in the applicant's name or the title or the manufacturer's certificate of origin if the vehicle is not registered in the applicant's name; and
- 3) The application form prescribed by the Secretary of State and statutory fee as provided for in Section 5/3-806 of the Certificates of Title and Registration of Vehicles Law of the Illinois Vehicle Code [625 ILCS 5/3-806].

b) If a person wishes to apply for a person-with-disabilities parking decal or device, he/she must be a resident of the State of Illinois and shall submit the following to the Secretary of State or authorized unit of local government:

- 1) The physician's certification form completed by the physician and applicant unless the person has been issued a disabled veteran or person-with-disabilities license and has a certification form on file or the person has an Illinois Disabled Person's ID card with a 1a or 2a classification as provided in Section 24 of the Illinois Identification Card Act; or
- 2) A copy of the individual's State of Illinois identification card, disabled veteran identification card, person-with-disabilities identification card, or State of Illinois Driver's License. In the case of a person with disabilities who is under the age of 18, the identification card number of the minor's parent or legal guardian may be submitted.

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- c) The physician certification form shall contain the following items:
- 1) The definition of a "person with disabilities" as outlined in 625 ILCS 5/1-159.1 and contained in Section 1100.5;
  - 2) An indication from the physician as to the qualifying disability;
  - 3) Indication from the physician whether the disability is permanent or temporary. If temporary, the physician shall also indicate the anticipated duration of the disability (not to exceed 6 months);
  - 4) The certifying physician's name, address, telephone number, physician's license number, and signature;
  - 5) The applicant's name, address, telephone number, social security number, and driver's license number or State identification number;
  - 6) The vehicle identification number and license plate number for the one or two primary vehicles used to transport the person with disabilities; and
  - 7) The name, address, phone number, relationship to the disabled individual, and signature of the family member who is the owner of the vehicle upon which the person with disabilities relies for his/her mode of transportation, and that he/she does not own a vehicle in his/her name, if the vehicle is not owned by the applicant having the disability.
- Section 1100.15 Authorized Issuing Agents for Person-with-Disabilities Parking Decals or Devices**
- a) Person-with-disabilities permanent parking decals or devices--The Office of the Secretary of State shall be the only authorized agent to issue person-with-disabilities permanent parking decals or devices.
  - b) Person-with-disabilities temporary parking decals or devices may be issued by:
    - 1) Units of local government following the guidelines established by the Illinois Vehicle Code and this Code; or
    - 2) The Office of the Secretary of State.

**Section 1100.20 Person-with-Disabilities Parking Decals or Devices**

- a) The decals or devices issued by State and local authorities according to the provisions of 625 ILCS 5/11-1301.2 shall be the following size, color, design, duration, and placement.
  - 1) Size--3" x 9 1/2"
  - 2) Color--Permanent and temporary decals or devices shall be of differing distinctive and contrasting colors.
  - 3) Design, Placement, Manufacturing--The decal or device shall contain the international symbol of access, the registration number for the decal or device, the expiration date of the decal or device, and the name of the issuing agent. Decals shall be placed on the rearview mirror of the vehicle while the vehicle is

## SECRETARY OF STATE

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- parked in the person-with-disabilities parking space or metered space, and shall be removed while the vehicle is in motion. If the person is incapable of putting the decal or device on the rearview mirror because of his/her physical disability, the decal or device may be placed on the dashboard of the car in clear view.
- 4) Duration of the Temporary Decal or Device--Secretary of State Issue: Temporary decals or devices provided by the Secretary of State shall be issued to individuals whose disability is temporary in nature. The temporary decal or device shall be issued for the time specified by the physician certification, but shall not exceed six months. Recertification of disability is required upon application for renewal.
  - 5) Duration of Temporary Decal or Device--Unit of Local Government Issue: Temporary decals or devices provided by units of local government shall be issued to individuals whose disability is temporary in nature. The temporary decal or device shall be issued for the time specified by the physician certification, but shall not exceed 90 days. Recertification of disability is required upon application for renewal.
  - 6) Duration of Permanent Decal: The permanent decals or devices issued prior to January 1, 1998 shall expire June 30, 1998. The permanent decals or devices issued on or after January 1, 1998 shall expire every four years beginning with the April 30, 2002 expiration date. A physician's certification of the permanent disability is required beginning with renewal of permanent decals or devices set to expire June 30, 1998.
  - b) The vehicle in which the disabled parking decal or device is displayed need not bear Illinois registration plates. However, the vehicle's registration plates must be valid and issued in accordance with the individual's ruling state/jurisdiction.

**Section 1100.25 Random Physician License Number Checks with the Department of Professional Regulation**

- a) At least once every six months, the Secretary of State shall pull at random applications for person-with-disabilities license plates or decals or devices. DPR shall verify that the name of the physician listed certifying to the disability matches the licensing number listed on the application form, and that the physician is licensed by DPR under that licensure number. DPR shall notify the Secretary of State of the results of the match.
- b) In the instance that DPR finds that a physician is not licensed by DPR under the licensure number listed on the application, the Secretary of State shall begin proceedings for the revocation of plates or decals or devices outlined in Section 1100.35 of this Part. (92 Ill. Adm. Code 1100)

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**Section 1100.30 Corporations, School Districts, and Special Education Cooperatives**

- a) Corporations, school districts and special education cooperatives may apply for either a person-with-disabilities license plate and/or decal or device providing the corporation, school district and special education cooperative is not already registered pursuant to 625 ILCS 5/1-142.1, 8-101.1 and 3-412(J). A copy of the corporate charter shall be submitted to the Secretary of State. If a vehicle is used to transport persons with disabilities for compensation, appropriate plates must be issued in accordance with the Sections of the Illinois Vehicle Code cited above.
- b) The vehicle must be used primarily (more than 60% of the time) for the transportation of permanently disabled persons to be registered with a person-with-disabilities license plate. If the vehicle is used only occasionally for the transportation of persons with disabilities, a decal or device shall be used.
- c) Duration of the decal or device: The permanent decals or devices issued prior to January 1, 1998 shall expire June 30, 1998. The permanent decals or devices issued on or after January 1, 1998 shall expire every four years beginning with the April 30, 2002 expiration date. An affirmation of the transportation of the persons with permanent disabilities shall be required upon the renewal of the permanent decal or device and/or plate.

**Section 1100.35 Revocation of Plates and Decals or Devices**

- a) Upon receipt of a written complaint that a person-with-disabilities plate or decal or device is being used by a non-disabled person, the Secretary of State shall attempt to verify the license plate or decal or device owner's eligibility for the plate or decal or device.
- b) In determining eligibility, the Secretary of State shall notify the license plate or decal or device owner that the complaint has been received regarding the misuse of the license plate or decal or device. The Secretary shall also request that the license plate or decal or device owner submit an updated certification by a physician that the owner is disabled as defined by 625 ILCS 5/1-159.1 and Section 1100.5 of this Part.
  - 1) If the physician chosen by the license plate/decal or device owner indicates on the certification form that the owner does not have a qualifying disability, the person-with-disabilities license plate and/or decal or device shall be revoked in accordance with 625 ILCS 5/3-704(11).
  - 2) If the physician indicates that the disability is temporary in nature, not permanent, the license plate and/or permanent decal or device shall be revoked in accordance with 625 ILCS 5/3-704(11). Upon revocation of the permanent decal or device, a temporary decal or device shall be issued according to the

## SECRETARY OF STATE

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- 3) guidelines outlined in Section 1100.20 above. If the physician affirms that the individual has a permanent qualifying disability, no revocation action shall be taken.
- 4) If a person-with-disabilities license plate is revoked in accordance with 625 ILCS 5/3-704(11), a passenger plate (or other appropriate license plate) shall be issued.
- 5) Any person whose person-with-disabilities parking plate or decal is revoked in accordance with 625 ILCS 5/3-704(11) may request a hearing to be conducted pursuant to 92 Ill. Adm. Code 1001, Subpart A or Subpart C, as the person may choose.

**Section 1100.40 Revocation Authority for Plates and Decals or Devices**

- a) Under authority granted in 625 ILCS 5/3-704(11), person-with-disabilities license plates and decals or devices shall be revoked if determined to be issued to a person who is not disabled or determined to be used in an unlawful manner as outlined in 625 ILCS 5/11-1301.5 or 11-1301.6.
- b) The sources of acceptable proof of a person not being disabled are the written testament of a licensed physician, or the failure of an individual to obtain certification from a licensed physician that the person has a qualifying disability.
- c) The sources of acceptable proof of the offenses described in subsection (a) above are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents, and law enforcement correspondence/reports.



## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Payment of Eligible Claims of Soil and Water Conservation District Employees Unpaid By Mid-Continent Medical Benefit Trust

- 2) Code Citation: 8 Ill. Adm. Code 755

- 3) Section Number: Emergency Act:

755.10 New Section  
755.20 New Section  
755.30 New Section  
755.40 New Section  
755.50 New Section  
755.60 New Section  
755.EXHIBIT A New Section

- 4) Statutory Authority: Section 6(11) of the Soil and Water Conservation Districts Act [70 ILCS 405] (see P.A. 90-565, effective January 2, 1998).

- 5) Effective Date of Amendments: January 8, 1998

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date Filed in Agency's Principal Office: January 6, 1998

- 8) Reason for the Emergency: Effective January 2, 1998, P.A. 90-565 amended the Soil and Water Conservation Districts Act by adding Section 6(11). Section 6(11) of the Act requires that claims for outstanding health care costs of Soil and Water Conservation District employees incurred between January 1, 1996 and December 31, 1996 that were not paid by Mid-Continent Medical Benefit Trust must be filed with the Department on or before January 30, 1998 to be considered for payment. Section 6(11) of the Act requires the Department to approve or reject claims in accordance with established procedures.

- 9) A Complete Description of the Subjects and Issues Involved: P.A. 90-565 authorizes the Department to pay eligible outstanding health care costs of Soil and Water Conservation District employees incurred between January 1, 1996 and December 31, 1996 that have not been paid by the District's insurance carrier, Mid-Continent Medical Benefit Trust. The Act is filed with the Department on or before January 30, 1998 to be considered for payment. Appropriate documentation is required by the Department to determine eligible claims.

- 10) Are there any proposed amendments pending to this Part? No

- 11) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

- 12) Information and questions regarding this adopted rule shall be directed to:

Julie King  
Illinois Department of Agriculture  
P.O. Box 19281  
State Fairgrounds  
Springfield, IL 62794-9281  
717/187-7114  
Facsimile: 717/187-4555

The full text of the emergency rules begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY RULES

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY RULES

TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER I: DEPARTMENT OF AGRICULTURE  
 SUBCHAPTER q: SOIL AND WATER CONSERVATION

## PART 755

PAYMENT OF ELIGIBLE CLAIMS OF SOIL AND WATER CONSERVATION  
 DISTRICT EMPLOYEES UNPAID BY MID-CONTINENT MEDICAL BENEFIT TRUST

## Section

755.10 Preamble

## EMERGENCY

755.20 Definitions

## EMERGENCY

755.30 Validity of Claims

## EMERGENCY

755.40 Procedures for Requesting Payment of Outstanding Costs

## EMERGENCY

755.50 Claims Processing

## EMERGENCY

755.60 Payment by the Department

## EMERGENCY

755.EXHIBIT A Request for Proposal

## EMERGENCY

AUTHORITY: Implementing Section 6(11) of the Soil and Water Conservation Districts Act [70 ILCS 405] (see P.A. 90-565, effective January 2, 1998).

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 2289, effective January 8, 1998, for a maximum of 150 days.

## Section 755.10 Preamble

## EMERGENCY

The intent of Section 6(11) of the Soil and Water Conservation Districts Act [70 ILCS 405/6(11)] is to authorize the Illinois Department of Agriculture to pay health care costs of Soil and Water Conservation District employees incurred between January 1, 1996 and December 31, 1996, that were eligible for reimbursement from the District's insurance carrier, Mid-Continent Medical Benefit Trust, but were not paid by the carrier.

## Section 755.20 Definitions

## EMERGENCY

"Administrator" means the professional third-party claims administrator chosen by the Department based on the criteria set forth in this Part to collect claims information and supporting documentation, and to provide recommendations to the Department.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY RULES

"Claim" means a request to the Department for payment of outstanding health care costs not previously reimbursed by Mid-Continent.

"Department" means the Illinois Department of Agriculture.

"District" means one of the Soil and Water Conservation Districts of Illinois.

"Eligible Period" means the time period from January 1, 1996 through December 31, 1996.

"Employee" means a person who was employed by a Soil and Water Conservation District during the twelve month period from January 1, 1996 through December 31, 1996.

"Mid-Continent" means Mid-Continent Medical Benefit Trust, the Districts' insurance carrier during the eligible period.

"Outstanding Costs" means those health care costs for which employees were eligible for reimbursement from Mid-Continent, but which were not paid by Mid-Continent.

"Provider" means any person or entity that provided health care services or products to an employee during the eligible period.

"Valid Claim" means a claim that is verified and adjudged by the Department to be eligible for reimbursement.

## Section 755.30 Validity of Claims

## EMERGENCY

a) For a claim to be adjudged valid, the employee shall submit documentation required by the Department which proves to the satisfaction of the Department that:

- 1) The employee was covered by the District health insurance program offered through Mid-Continent during the eligible period;
  - 2) The health care for which payment is requested was provided during the eligible period;
  - 3) The health care costs claimed were eligible costs.
- b) The Department shall verify eligible costs claimed and shall determine the validity of all claims based on the recommendation of the Administrator. The Department may reject all or portions of claims. Claims must be submitted on or before Friday, January 30, 1998. Claims received after the close of business on January 30, 1998 will not be eligible for consideration.
- c)

## Section 755.40 Procedures for Requesting Payment of Outstanding Costs

## EMERGENCY

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY RULES

- a) Employees shall submit claims on forms provided by the Department. Employees shall provide documentation of:
- 1) their policy's deductible amount and the amount of any payments applied toward it;
  - 2) the name, address, and telephone number of each provider for which outstanding costs are claimed;
  - 3) all outstanding costs claimed, including the date of service, patient account number, services provided and charges assessed;
  - 4) all payments made to providers or collection agencies against outstanding costs and the source of those payments; for example, the employee, secondary insurers, the Districts, other persons, etc.; and
  - 5) the amount of eligible costs, if any, which have been forgiven by the provider.
- b) Documentation acceptable to the Department shall include, but is not limited to, original provider bills, canceled checks, payment receipts, balance due statements, statements of benefits from Mid-Continent, and correspondence from providers, Mid-continent or other relevant sources.

**Section 755.50 Claims Processing**  
**EMERGENCY**

- a) In order to provide for the accurate and timely processing of claims, the Department will secure the services of a professional administrator. The Administrator will be selected based on criteria elaborated in Exhibit A of this Part including:
- 1) qualifications;
  - 2) ability to perform vendor responsibilities;
  - 3) technical capabilities;
  - 4) certifications; and
  - 5) cost.
- b) All claims and supporting documentation will be verified by the Administrator. The Administrator may request from employees any additional documentation the Administrator deems necessary to process and verify claims. The Department will determine the validity of claims based upon recommendations from the Administrator.

**Section 755.60 Payment by the Department**  
**EMERGENCY**

- a) Before issuing payment for valid claims, the Department shall require the payee and the employee, if the two are not the same, to sign and submit:
- 1) a subrogation agreement. The agreement will be provided by the Department and will assign to the Department the proceeds of any future recovery action that may be initiated regarding the claims being paid; and

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY RULES

- 2) a release acknowledging payment in full and releasing the Department from any future responsibility to pay.
- b) Upon receipt of all signed agreements, the Department will issue a payment voucher for the amount of approved outstanding costs.
- c) The Department will not pay any interest, late fees or similar penalties charged to the employee by any provider or credit agency.



DEPARTMENT OF AGRICULTURE  
NOTICE OF EMERGENCY RULES

DEPARTMENT OF AGRICULTURE  
NOTICE OF EMERGENCY RULES  
REQUEST FOR PROPOSAL

**Section 755. EXHIBIT A Request for Proposal  
EMERGENCY**

THE STATE OF ILLINOIS DEPARTMENT OF AGRICULTURE IS REQUESTING PROPOSALS TO FILL THE STATE'S NEEDS AS OUTLINED BELOW. PLEASE READ THIS ENTIRE PACKAGE AND SUBMIT PROPOSAL IN ACCORDANCE WITH THESE INSTRUCTIONS.

**DESCRIPTION OF GOODS OR SERVICES**

PROFESSIONAL ADVICE AND CLAIMS ADJUDICATION RECOMMENDATIONS FOR THE PAYMENT OF OUTSTANDING HEALTH CARE COSTS OF SOIL AND WATER CONSERVATION DISTRICT EMPLOYEES THAT WERE ELIGIBLE FOR REIMBURSEMENT FROM THE DISTRICTS' INSURANCE CARRIER, MID-CONTINENT MEDICAL BENEFIT TRUST.

**SEND PROPOSALS TO:**

MR. STEVEN D. CHARD  
ILLINOIS DEPARTMENT OF AGRICULTURE  
BUREAU OF LAND AND WATER RESOURCES  
STATE FAIRGROUNDS  
P.O. BOX 19281  
SPRINGFIELD, ILLINOIS 62794-9281

**IDENTIFY PROPOSAL AS:**

CLAIMS ADJUDICATION PROPOSAL

**PROJECT CONTACT:**

MS. JULIE KING  
PHONE: 217-782-2172  
TDD: 1-800-524-6858

SUBMIT A SIGNED ORIGINAL AND 3 COPIES OF YOUR PROPOSAL IN A SEALED CONTAINER.

**PROPOSAL DUE JANUARY 23, 1998, 5:00 P.M., CST.**

This package consists of: Instructions; General Information; Basic Contract Terms and Conditions; Detailed Specifications; Technical Proposal; Intent to Propose.

**EFFECTIVE IMPLEMENTATION DATE IS IMMEDIATE UPON SELECTION.**

Issued by  
  
State of Illinois  
Illinois Department of Agriculture  
Bureau of Land and Water Resources

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY RULES

Becky Doyle

Director

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY RULES

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## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY RULES

Section I  
Bidding Process

## 1.1 Type of Process

In the RFP process the Department intends to make an award to the responsible Vendor(s) whose proposal is determined to provide the best value to the Department. The Department's needs are well defined, and the responses will be evaluated in accordance with predetermined criteria. Although the evaluation may result in a need to clarify proposals or to request "best and finals" from those in the zone of contention, the proposal as submitted will generally be the basis upon which a decision to award is made.

A response to this RFP will be referred to as a proposal.

## 1.2 Submission of Proposals

The date, time and address for submitting proposals are shown on the instructions page. Please follow these directions carefully. Failure to comply is cause for rejection of the proposal.

Proposals, including amendments, may be mailed or hand delivered; but in either case, must be actually received as specified. Proposals received late will be returned unopened.

Proposals must be submitted in typed or printed form. Each original proposal and each of the copies must be signed in ink by an authorized representative of the vendor. Amendments shall be signed by the same person who signed the proposal unless another person has been given signature authority, which must be verified.

The following describes the format in which bid proposals must be presented. Utilization of a standard format will facilitate the evaluation process. Each proposal must contain, at a minimum, the following items and must be presented in the following sequence: (Please provide the level of detail requested.)

- A. Agreement to Contract Terms and Conditions (Section II)
- B. Qualifications Documentation (Section III) with signed Certifications (Section VIII)
- C. State and Vendor Responsibilities (Section V)
- D. Technical Proposal - Questionnaire and Responses (Section VI)

**NOTE:** Price information must be submitted in a separate envelope within the sealed container. Price information is not to be shown in any other part of the proposal.

## DEPARTMENT OF AGRICULTURE

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## 1.3 Proposal Reservations

Department reserves the right to reject any or all proposals, to request and evaluate "best and final" proposals, to award in whole or in part, and to waive minor defects. An individual proposal may be rejected if it fails to meet any requirement. The Department may seek clarification from a Vendor at any time, and failure to respond is cause for rejection. Any alternate proposal that meets the Department's needs may also be considered. Contract negotiations may be necessary after the award to formalize understandings.

Submission of a proposal confers no rights on the Vendor to an award or to a subsequent contract. This RFP process is for the Department's benefit only and is intended to provide the Department with competitive information to assist in selection of goods or services. All decisions on compliance, evaluation, terms, and conditions shall be made solely at the Department's discretion and made to favor the Department.

The Department reserves the right to modify requirements during the course of this contact by changing the scope of work, deliverables, and time frames, as well as addition or deletion of tasks to be performed or equipment to be provided and/or any other modification deemed necessary. Any changes in pricing proposed by the Vendor resulting from the proposed changes will be subject to acceptance by the Department. In the event prices are not acceptable to the Department, the contract may be subject to reprocurement based upon the new specifications.

## 1.4 Inquiries

Any inquiries shall be directed to the project contact. Do not discuss the proposal with any other State employee unless authorized by the project contact. All responses by the Department must be in writing to be binding.

## 1.5 Non-Conforming Technical Proposals

To be considered, the Vendor must submit a definitive proposal, as requested by this solicitation, for the work to be accomplished under the proposed contract. Proposals which merely offer to conduct a program in accordance with the general requirements of the RFP may be considered non-conforming and may not be considered.

## 1.6 Cost of Proposal Preparations

All costs associated with preparation and submission of a proposal are the responsibility of the Vendor. These costs shall not be chargeable to the Department by the successful or unsuccessful Vendors.



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All proposals become the property of the Department and will not be returned except in the case of a late submission.

## 1.7 Right to Contract

This RFP does not commit the Department to award a contract or to pay costs incurred in the submission of proposals, or costs incurred in making necessary studies for the preparation thereof, or to procure or contract for services or supplies. The Department reserves the right to reject any or all proposals, to negotiate with any Vendor(s) considered qualified, or to make award without further discussions.

## 1.8 Responsibility

In determining whether a Vendor is responsible, the Department will evaluate past performance, financial stability, references, compliance with applicable laws, business ethics and integrity, the perceived ability to perform completely as specified, and other relevant factors. Vendor must submit a current audited financial statement, annual or quarterly report, Dunn & Bradstreet rating or other acceptable proof of financial responsibility, and any other information to prove responsibility with the proposal to the address shown below. Additional information may be requested. Financial responsibility will be kept confidential unless otherwise required by law.

Mr. Steven D. Chard  
Illinois Department of Agriculture  
State Fairgrounds  
P.O. Box 19281  
Springfield, Illinois 62794-9281

## 1.9 Evaluation

The Department will evaluate each response to the proposal using predetermined evaluation criteria. The general evaluation criteria, point ranking, formula, etc. will be disclosed to vendors upon request, unless it is determined that disclosure could result in bias.

## 1.10 Best and Final

The Department's evaluation process includes the use of "best and final" proposals when deemed appropriate. The Department reserves the right, at any time prior to award of a contract and for any reasons, to request and consider "best and final" proposals from one or more of the Vendors who submitted a proposal. The number of Vendors allowed to submit "best and final" proposals and the scope of the "best and final" proposals shall be determined solely by the Department. No Vendor has a right to submit a "best and final." Any Vendor who is asked and fails to submit a "best and

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final" proposal need not be given further consideration. The purpose of the "best and final" proposal is to allow the Department to better define its needs; adjust specifications or other aspects of the procurement to reflect changed needs or perceptions or to address problems; or for any other purpose deemed appropriate by the Department.

## 1.11 Award

The Department will select the proposal(s) which meets the Department requirements and provides the best value to the Department, price and other factors being considered, and which is submitted by a responsible Vendor(s). The Department reserves the right to award to multiple Vendors. All awards must be approved by the Department.

## 1.12 Contract Negotiations

The Vendor(s) chosen for an award may be required to enter into contract negotiations with the Department. The Vendor(s) should be prepared to incorporate the Department request and the Vendor's proposal and any other written representations submitted with the proposal. If agreement cannot be reached to the Department's satisfaction, negotiations may begin with another Vendor(s).

## 1.13 Commencement of Work

The successful Vendor(s) must not commence any billable work prior to the Department's execution of the contract. Work done before final execution is at the Vendor's risk.

## 1.14 Vendor Contact

Each Vendor shall designate one person who shall serve as contact for all matters pertaining to the proposal. In absence of such designation, the person who signs the proposal shall be deemed the Vendor contact.

## 1.15 Assignment/Subcontracting/Joint Ventures

Each entity the Department contracts with shall be contractually responsible for the total performance of its contract. Assignments for financing and subcontracting are allowable, but information on assignees and subcontractors must be provided. For any joint venture to be acceptable, one Vendor must take full contractual responsibility for performance. No assignment, subcontract, or joint-venture shall operate to increase any obligation. If a subcontractor is used to provide consulting services, the subcontractor's name and amounts paid to the subcontractor must be disclosed.

## 1.16 Governing Law

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This RFP and any subsequent contract shall be governed by the laws and rules of the State of Illinois which are incorporated into this RFP by reference.

### Section II Contract Terms and Conditions

The following terms and conditions are applicable to State Contracts. Negotiations may be necessary to further define these and other terms. Submission of a signed response to this solicitation indicates agreement to the terms and conditions contained herein, unless Vendor indicates an exception in writing.

#### 2.1 Payment Responsibility

The Department will make payments to the Vendor(s) in accordance with specified terms and conditions of the contract.

#### 2.2 Fiscal Funding

Obligations of the Department shall cease immediately and without penalty or further payment being required if in any fiscal year the Illinois General Assembly or federal funding source fails to appropriate or otherwise make available appropriate funds for this contract.

#### 2.3 Conflict of Interest

A. Vendor(s) must identify each individual having a beneficial interest in the business which exceeds 7 1/2%.

B. The conflict of interest provisions of the Illinois Purchasing Act generally prohibit contracting with a State employee or an employee's spouse or minor child; or with Vendor if any State employee is entitled to receive either directly or indirectly more than 7 1/2%, or together with spouse and/or minor children more than 15%, of the total distributable income of the business. If any individual has such a prohibited interest, that fact must be disclosed as a part of the proposal and the Vendor must state why the prohibition should not apply. The Department will determine whether an exemption to the general prohibition will be allowed.

#### 2.4 Nondiscrimination

The Vendor, his employees, and subcontractors agree not to commit unlawful discrimination and agree to comply with applicable provisions of the Illinois Human Rights Act, the U.S. Civil Rights Act, Section 504 of the Federal Rehabilitation Act, and rules applicable to each. The Department of Human Rights' equal opportunity clause is specifically incorporated

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herein.

In compliance with the State and federal constitutions, the Illinois Human Rights Act, the U.S. Civil Rights Act, Section 504 of the Federal Rehabilitation Act, the Department of Agriculture does not unlawfully discriminate in employment, contracts, or any other activity.

The Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and the regulations thereunder (28 CFR 35.130) (ADA) prohibit discrimination against persons with disabilities by the Department, whether directly or through contractual arrangements, in the provisions of any aid, benefit or service. As a condition of receiving this contract, the undersigned Vendor certifies that services, programs and activities provided under this contract are and will continue to be in compliance with the Americans with Disabilities Act (ADA).

#### 2.5 Liability and Insurance

The Department does not assume any liability for acts or omissions of the Vendor, and such liability rests solely with the Vendor. The Vendor shall carry public liability, casualty, and auto insurance in sufficient amount to protect the Department from liability for acts of the Vendor. In addition, the Vendor shall carry worker's compensation insurance, if applicable, in the amount required by law.

#### 2.6 Hold Harmless and Indemnification Agreement

The Vendor shall save and hold harmless and indemnify the Department against any and all liability, claims, and costs of whatever kind and nature for injury to or death of any person or persons and for loss or damage to any property occurring in connection with or in any way incident to or arising out of the use, service, operation, or performance of work under the terms of this contract resulting from the negligent acts or omissions of vendor, of any employee, agent, or representative of Vendor or subvendor. The Vendor is not responsible for consequential damages.

#### 2.7 Limited Distribution or Use of Certain Data and Information

Vendor agrees that Vendor personnel will not divulge or release data or information developed or obtained in connection with the performance of the contract, unless made public by the Department, except to authorize Department personnel or upon written approval of the user agency's project manager.

#### 2.8 Disposition of Records

Within 30 days of receiving notice from the Department, the Vendor will provide to the Department all records related to processing and validating

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claims and making its recommendations to the Department. Failure to maintain the books, records, and supporting documents required by this Section shall establish a presumption in favor of the Department for the recovery of any funds paid by the Department under the contract for which adequate books, records, and supporting documentation are not available to support their purported disbursement.

## 2.9 Sexual Harassment

Effective July 1, 1993, the Vendor or Vendors shall have written sexual harassment policies that shall include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the Vendor's internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department of Human Rights and the Human Rights Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act. A copy of the policies shall be provided to the Department upon request.

## 2.10 Breach

Any breach of this contract by the Vendor will allow the Department to cancel without penalty and have any other available relief.

## 2.11 Governing Law

This contract shall be governed by the laws and rules of the State of Illinois which are incorporated into this RFP by reference.

### Section III

#### Minimum Qualifications

In order for a Vendor to qualify to submit information and a proposal, it should be able to meet all of the following, or the equivalent of such requirements. It is at the discretion of the Department to determine the extent to which the following qualifications are required for award of the contract or that failure to meet these qualifications may disqualify any Vendor. The Department intends to evaluate each proposal in its entirety.

In order for a Vendor to qualify to submit a proposal for Claims Administration Services, the following minimum qualifications must be met:

- Licensure/Certification. The Vendor must be licensed or registered with the Illinois Department of Insurance as a third party administrator as required by applicable Illinois law.

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- Experience. The Vendor must have a minimum of two years of satisfactory experience in claims administration.
- Financial Condition. The Vendor must demonstrate sound financial condition and good business practices. Accounting methods must maintain a clear distinction between claims administration performed under contract for the Department and other business.
- Reports. The Vendor must agree to furnish the Department with timely reports in mutually agreed upon formats.
- Customer Service/Communications. The Vendor must provide a telephone number for claims inquiries which will be available to all employees during regular business hours.
- Medical Review. The Vendor must have medical professionals with appropriate credentials to review questionable claims. Medical experts must be present for final review/fact-finding meetings at the request of the Department.
- Pricing Screens. The Vendor must have available and provide on request all pricing screens and maximum allowable reimbursement levels per procedure code, provider, and service.
- Background Check. As a condition of award and as a continuing condition of any resulting contract, the Department reserves the right to conduct background checks of Vendor, its officers, and of those employees or agents who would perform the required services to determine suitability for performing this contract. Vendor shall complete or have completed an authorization for release of personal information that indemnifies both the Department and the provider of the information.

### Section IV

#### Background

The Department is requesting proposals for claims administration services to assist the Department in carrying out responsibilities pursuant to 70 ILCS 405/6(11) regarding the payment for outstanding health care costs of Soil and Water Conservation District employees. Soil and Water Conservation District employees, their dependents, and spouses had health care coverage provided by Mid-Continent Medical Benefit Trust (Mid-Continent). In late 1995, Mid-Continent developed financial difficulties that ultimately resulted in the non-payment of claims for provider services estimated to be in excess of \$172,000. The Department has been granted legal authority to pay these outstanding health care costs and is seeking a qualified Vendor(s) to determine the amount of each claim to be paid based on standard claims adjudication practices.



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## CONTRACT:

This contract will be effective through August 31, 1998. The contract between the Department and the Vendor will detail the services included in the administrative services fees proposed. Any additional services provided will be separately identified and negotiated.

## Section V

## Department and Vendor Responsibilities

The following are Department and Vendor responsibilities as indicated, applicable to any contract that may be offered as a result of this proposal. Indicate understanding and acceptance of each of the following:

## DEPARTMENT RESPONSIBILITIES:

The Department will perform the following functions:

1. Provide a copy of the Mid-Continent Medical Benefit Trust document, and names, addresses, and phone numbers of the business entities relevant to the agreement.
2. Verify that claimants were eligible for insurance coverage through the Mid-Continent Medical Benefit Trust document provided by Mid-Continent during the period January 1, 1996 through December 31, 1996.
3. Provide list of verified eligible claimants.

4. Provide all initial claims information submitted by employees and providers to Vendor.

5. Make final decision on validity of claims based upon supporting documentation furnished by the Vendor.

6. Receive Explanation of Benefits (EOB) from Vendor and include the EOB with payments made on valid claims.

## VENDOR RESPONSIBILITIES:

The Vendor will perform the following functions:

- A. Receive initial claims information directly from the Department and obtain additional information necessary to adjudicate claims and make recommendations from employees or providers;

- B. Make recommendations to the Department including supporting documentation on the validity of claims and the amount of payment to which employee is entitled under the terms with Mid-Continent;

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- C. Coordinate benefit coverages for covered individuals;
- D. Upon final determination by the Department that a claim is valid, issue explanation of benefits to the Department (including copies for custodial parents) on the disposition of each claim submitted;
- E. Maintain timeliness, comprehensive auditing and internal quality control procedures;
- F. Respond to written and telephone inquiries;
- G. Provide actuarial, medical and legal advice related to benefits determinations;
- H. Make periodic reports to Department as required;
- I. Meet with representatives of the Department at Department's request;
- J. Have a fraud prevention and control plan in place;
- K. Agree to cooperate in any transfer of functions from one Vendor to another Vendor;
- L. Within 30 days of receiving notice from the Department, provide all records to the Department that contain information used by the Vendor to process and adjudicate claims and make recommendations.

## Section VI

## Technical Proposal

Please address each of the issues in full detail in the order below, repeating the question, followed by the response.

## A. Organizational History and Structure

1. Provide a copy of the latest financial statement submitted to the State of Illinois Department of Insurance and/or the latest annual report.
2. Name all financial interests in the organization and explain the relationship(s).
3. List the proposed service team for this account.
4. When did the organization begin providing the services which are proposed? List 5 clients for which the organization provided similar services. Include contact name and phone number. What is the total volume of claims payments and the amount of transaction fees?

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5. From what location(s) would the Department's account be managed and serviced?
6. Has the organization been sued in the last five years? Describe any lawsuits and their resolution.

**B. Claims Processing**

The primary responsibility of the Vendor is to process claims accurately and in a timely manner after the Department has furnished eligibility information. The Vendor will be expected to receive all claims directly from the Department, obtain supplemental information as needed to process claims, recommend to the Department the amount to be paid, and issue an EOB to the Department. The Department will mail the EOB along with the check to the applicable Soil and Water Conservation District.

1. List and describe all services included in the proposed claims processing fees.
2. Describe all claims processing procedures from receipt of claim form including:

- a. Preparation of claims for processing
- b. Coordination of benefits
- c. Claimant/provider communications
- d. Claim edits, including reasonable and customary charge edits
- e. Explanation of benefits with samples
- f. Responding to employee inquiries

3. Specify how reasonable and customary determinations are developed, by whom, for which services, how often screens are updated, and the process for approval of charges above the levels set.

4. Describe coordination of benefits procedures.

5. Provide samples of explanations of benefits, inquiry letters, and all other communication pieces that would be used with claims processing.

6. What are the criteria and what percentage of claims are reviewed by a medical professional?

7. What internal controls are in place to ensure quality and accuracy?

**C. Systems Capabilities**

1. Describe the edits to be used to assure accuracy and proper payment of claims.

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**D. Financial Arrangements**

1. Describe procedures established to detect and control fraud.
2. Give a step-by-step description of the recovery process and the reporting for each of the following instances:

- a. fraudulent claim submitted by a provider or an employee
- b. subrogation case
- c. retroactive change in membership
- d. Vendor employee fraud

**E. Customer Service**

Describe the customer service function that will be included in this Contract.

**F. Reporting**

Provide a final report listing all claims processed and/or any other reports deemed necessary by the Department within 30 days of expiration of the Contract between the Department and the Vendor.

**Section VII  
Proposal Submittal Requirements**

The purpose of these specifications is to provide relevant information to Vendors interested in submitting proposals to make recommendations on the adjudication of claims pursuant to the authority granted under 70 ILCS 405/6(11) concerning the payment for outstanding health care costs of Soil and Water Conservation District employees.

**Objectives in Soliciting Proposals:**

The Department has two primary objectives in soliciting proposals for claims processing:

- to obtain professional advice and claims adjudication recommendations;
- to obtain these services at a competitive cost.

**General Submission Guidelines:**

The date, time and address for submitting proposals are shown on the instructions page of the Request for proposal. Please follow these directions carefully. Failure to comply is cause for rejection of the proposal. Proposals, including amendments, may be mailed or hand delivered; but in either case, must be actually received as specified. Proposals received late will be returned unopened.

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Bidders will be required to present the data required by this RFP in an organized format which includes the minimum Qualifications (and signed Certifications), the Technical Proposal (and References) and the Fee Quotation. Utilization of a standard format will facilitate the evaluation. Bidders must present complete and self-explanatory information as required by this RFP. Information provided by Vendors will first be reviewed for minimum qualifications. Vendors meeting the minimum requirements will be further evaluated using the content of the Technical Proposal, based on its completeness and scope. The fee quotation will be reviewed after potential Vendors have been evaluated for overall quality and service level proposed.

## Proposal Components:

To be considered for selection, a signed original and three (3) copies of sealed proposals must be submitted in a format organized by three major sections:

- . Minimum Qualifications documentation (and signed Certifications)
- . Responses to questions in the Technical Proposal and References
- . Fee Quotation

## Minimum Qualifications Documentation:

This section of the proposal should provide all pertinent licensure, registration, and experience information. The official corporate position on each of the qualifications listed should be stated. Any deviation from the qualifications should be clearly identified and alternatives suggested for the Department's consideration.

## Certifications:

A copy of the Certifications section should be completed and submitted with the proposal. An original signature(s) must appear on the last page of the completed Certifications section.

## Technical Proposal:

The Technical Proposal is to be organized in a sequence to follow the order of the major topics of Section VI of this RFP. Please repeat the question, followed by the appropriate response. The Technical Proposal should contain descriptions of how the prospective Vendor intends to service the account.

References should be provided as the final part of the Technical Proposal.

## Fee Quotation:

Three copies of the fee quotation must be submitted in a separate sealed envelope. Specify any additional fees applicable. Please identify the service

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and the associated charges.

## Supplemental Information:

The response to the RFP must be received by the Department by 5:00 p.m. C.S.T., Friday, January 23, 1998. Send the response to:

Mr. Steven D. Chard, Chief  
Illinois Department of Agriculture  
Bureau of Land and Water Resources  
State Fairgrounds  
P.O. Box 19281  
Springfield, Illinois 62794-9281

Section VIII  
Certifications

I. The Vendor certifies that it is not barred from being awarded a contract or subcontract under Section 10-1 or 10.3 of the Illinois Purchasing Act (30 ILCS 505/10.1 and 10.3).

II. The Vendor certifies that it has not been barred from contracting with a unit of State or local government as a result of a violation of Section 33-E3 or 33-E4 of the Criminal Code of 1961 (720 ILCS 5/33E-3, 5/33E-4).

III. The Vendor certifies that it is not in default on an educational loan as provided in Public Act 85-827 (5 ILCS 385) (a partnership shall be considered barred if any partner is in default on an education loan).

IV. The Vendor certifies that it does not pay dues or fees on behalf of its employees or agents, nor subsidizes or otherwise reimburses them for payment of their dues or fees, to any club which unlawfully discriminates (775 ILCS 25).

V. Under penalties of perjury, I certify that the name, taxpayer identification number, and legal status listed below are correct.

Name: \_\_\_\_\_

Taxpayer Identification Number: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

or

Employer Identification Number: \_\_\_\_\_

(If you are an individual, enter your name and SSN as it appears on your Social Security Card. If completing this certification for a sole proprietorship, enter the owner's name followed by the name of the business and the owner's SSN. For all other entities, enter the name of



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the entity as used to apply for the entity's EIN and the EIN.)

## Legal Status (check one):

- |                          |       |                        |       |
|--------------------------|-------|------------------------|-------|
| Individual               | _____ | Governmental entity    | _____ |
| Ownership of Sole        | _____ | Nonresident alien      | _____ |
| Proprietorship           | _____ | individual             | _____ |
| Partnership              | _____ | Estate or legal trust  | _____ |
| Tax-exempt hospital or   | _____ | Foreign corporation,   | _____ |
| extended care facility   | _____ | partnership, estate or | _____ |
| Corporation providing or | _____ | trust                  | _____ |
| billing medical and/or   | _____ | Other                  | _____ |
| health care services     | _____ |                        |       |
| Corporation NOT          | _____ |                        |       |
| providing or billing     | _____ |                        |       |
| medical and/or health    | _____ |                        |       |
| care services            | _____ |                        |       |

VI. This certification is required by the Drug Free Workplace Act (30 ILCS 580) for contracts and grants effective January 1, 1992, and thereafter. The Drug Free Workplace Act requires that no grantee or vendor shall receive a grant or be considered for the purposes of being awarded a contract from the State for the procurement of any property or services unless that grantee or vendor will provide a drug free workplace, and that individuals must not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the performance of the contract or grant. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of the contract or grant and debarment of contracting or grant opportunities with the State for at least one (1) year but not more than five (5) years.

Vendor/Grantee: For the purpose of this certification, "grantee" or "vendor" means a corporation, partnership, or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division, or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State.

The vendor/grantee certifies and agrees that it will provide a drug free workplace by:

## (a) Publishing a statement:

- (1) Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis, is prohibited in the grantee's or vendor's workplace.

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- (2) Specifying the actions that will be taken against employees for violations of such prohibition.
- (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
- (A) abide by the terms of the statement; and
- (B) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- (b) Establishing a drug free awareness program to inform employees about:
- (1) the dangers of drug abuse in the workplace;
- (2) the grantee's or vendor's policy of maintaining a drug free workplace;
- (3) any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) the penalties that may be imposed upon employees for drug violations.
- (c) Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the contract or grant and posting the statement in a prominent place in the workplace.
- (d) Notifying the contracting or granting agency within 10 days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
- (e) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 5 of the Drug Free Workplace Act.
- (f) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation are required and indicating that a trained referral team is in place.
- (g) Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

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**Individuals:** If Vendor is an individual, or an individual doing business in the form of a sole proprietorship, the individual certifies that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the performance of the contract. Vendor certifies that it will not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the performance of the contract. This requirement applies to contracts of more than \$5,000.

**VII. Non-discrimination:** In compliance with the State and Federal Constitutions, the Illinois Human Rights Act, the U.S. Civil Rights Act, and Section 504 of the Federal Rehabilitation Act, the Department of Agriculture does not unlawfully discriminate in employment, contracts, or any other activity.

Vendor, its employees and subcontractors, agree not to commit unlawful discrimination and agree to comply with applicable provisions of the Illinois Human Rights Act, the Public Works Employment Discrimination Act, the U.S. Civil Rights Act and Section 504 of the Federal Rehabilitation Act, and rules applicable to each. The equal employment opportunity clause of the Department of Human Rights rules is specifically incorporated within this RFP.

The Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and the regulations thereunder (28 CFR 35.130) (ADA) prohibit discrimination against persons with disabilities by the State, whether directly or through contractual arrangements, in the provision of any aid, benefit or service. As a condition of receiving this contract, the undersigned Vendor certifies that services, programs and activities provided under this contract are and will continue to be in compliance with the ADA.

**VIII. Early Retirement.** Vendor certifies he/she has informed the Director of the Department of Agriculture in writing if he/she was formerly employed by the Department of Agriculture and has received an early retirement incentive under Section 14-108.3 or 16-133.3 of the Illinois Pension Code. Vendor acknowledges and agrees that if such early retirement incentive was received, this contract is not valid unless the official executing the contract has made the appropriate filing with the Auditor General prior to execution.

**IX. Retention of Records:** The Vendor shall maintain, for a minimum of five years after the completion of the contract, adequate books, records, and supporting documents to verify the amount, recipients, and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records, and supporting documents related to the contract shall be available for review and audit by the Auditor General; and the vendor agrees to cooperate fully with any audit conducted by the Auditor General and to provide full access to all relevant materials. Failure to maintain the books, records, and supporting documents

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required by this Section shall establish a presumption in favor of the State for the recovery of any funds paid by the State under the contract for which adequate books, records, and supporting documentation are not available to support their purported disbursement.

**X. Sexual Harassment:** Effective July 1, 1993, the Vendor shall have written sexual harassment policies that shall include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the vendor's internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department of Human Rights and the Human Rights Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act. A copy of the policies shall be provided to the Department upon request.

**XI.** For contracts exceeding \$10,000, the Vendor certifies that neither it nor any substantially-owned affiliated company is participating or shall participate in an international boycott in violation of the provisions of the U.S. Export Administration Act of 1979 or the regulations of the U.S. Department of Commerce promulgated under that Act.

The undersigned acknowledges and agrees that each of the certifications or amendments shall be incorporated into and made a part of the invitation for bids, request for proposals, agreement, contract, amendment, renewal or other similar document to which these certifications are attached.

**VENDOR**

NAME

BY

TITLE

## DEPARTMENT OF AGRICULTURE

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PROPOSAL COVER SHEET  
CLAIMS ADJUDICATION PROPOSAL

## Submitted by:

Name

By

Title

Signature

Date

Telephone Number

Toll-free Number

Fax Number

RETURN A SIGNED ORIGINAL AND THREE (3) COPIES OF PROPOSAL TO:

State of Illinois  
Department of Agriculture  
Mr. Steven D. Chard  
State Fairgrounds  
P.O. Box 1929  
Springfield, Illinois 62794-9281

PROPOSAL DUE JANUARY 23, 1998, 5:00 P.M., CST

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

1) Heading of the Part: Accounting for Non-Public Utility Business of Electric Utilities2) Code Citation: 83 Ill. Adm. Code 4163) Section Numbers: Proposed Action:  
416.10 New Section  
416.20 New Section  
416.30 New Section4) Statutory Authority: Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].5) Effective Date of Rules: January 13, 19986) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable7) Date Filed in Agency's Principal Office: January 12, 19988) Reason for Emergency: It is necessary to proceed with this rulemaking on an emergency basis because of changes made by P.A. 90-561 in Section 7-102 of the Public Utilities Act. Prior to the effective date of this amendment (December 16, 1997), utilities wishing to invest in non-public utility business were required to seek prior Commission approval. Under revised Section 7-102, electric and gas utilities with annual gross revenues in all jurisdictions of \$250,000,000 or more are no longer required to seek approval for contracts involving annual consideration of \$5,000,000 or more.

The changes in Section 7-102 allow certain gas and electric utilities to enter into contracts, involving significant annual consideration, without the Commission being aware of the accounting for these transactions. The utilities will continue to close their books monthly. Thus, whatever transactions the utilities entered into, for example, in January 1998, will have to be recorded on the books by the end of January 1998. Costs attributable to any non-public utility business entered into by the utilities must remain readily identifiable to ensure the integrity of the rulemaking process for delayed services, tariffs, (300 ILCS 16-109(c)), general rate-making during the emergency, (300 ILCS 16-109(c)), (300 ILCS 16-110), general rate-making, after the emergency has ended, per (Section 16-111(i)), and other instances in which the Commission must set rates for tariffed services.

9) A Complete Description of the Subjects and Issues Involved:

On December 16, 1997, Governor Edgar signed into law P.A. 90-561, which



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

restructures the electric utility industry in Illinois. The Public Act adds Articles XVI, XVII, and XVIII to the Public Utilities Act (PUA) and amends or adds other Sections of the PUA. The Public Act also revises the taxation associated with electric utilities.

The Public Act amends Section 7-206 of the PUA. Section 7-206 states in relevant part:

The Commission shall have the power to inquire as to and prescribe the apportionment of capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such public utility as distinguished from such other business. *Provided, however, that an electric or gas public utility shall not be required to maintain the accounts of any non-public utility business in the same manner and form as the electric or gas public utility is required to keep the accounts of its public utility business unless expressly ordered by the Commission.* (Emphasis added)

It is immediately necessary for accounting procedures to be in place to prevent direct or indirect cross-subsidization between the public utility and the non-public utility business. If expenses which support non-public utility business are included in the public utility business, the public utility customers would suffer irreparable harm and consequences. If expenses associated with the non-public utility business were included as a cost of the public utility business in a Commission proceeding to examine the appropriate level of rates of the public utility, the public utility customers would be responsible for expenses which properly belong to the utility's non-public utility business. Rates would be higher than they would have been had not these non-public utility business expenses been included in the cost of service.

While newly-added Section 16-111(a) of the PUA has limited the possibility of rate proceedings for electric utilities, the Commission maintains Article IX ratemaking authority over many electric tariffs as to which it may become necessary to differentiate between expenses and revenues of the public utility business and the non-public utility business. Examples include the recovery of fuel costs through the fuel adjustment charge, environmental clean up costs through the public utility's coal tar rider, and anticipated decommissioning costs through the public utility's decommissioning rider. In addition, an electric utility whose earnings fall below the Section 16-111(d) benchmark is entitled to seek rate relief under that provision. In such a proceeding, it will be necessary to ensure that the rates set do not effectuate the cross-subsidization by utility ratepayers of costs associated with the non-public utility business.

10) Are there any other proposed amendments to this Part pending? No

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

11) Statement of Statewide Policy Objectives: These emergency rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

12) Information and questions regarding these rules shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
Ph: 217/785-3922  
Fax: 217/524-9280

The full text of the Emergency Rules appears on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER C: ELECTRIC UTILITIES

## PART 416

## ACCOUNTING FOR NON-PUBLIC UTILITY BUSINESS OF ELECTRIC UTILITIES

## Section

416.10 Maintenance of Books and Records and Commission Access  
EMERGENCY

416.20 Cost Allocation Guidelines

EMERGENCY

416.30 Internal Audits

EMERGENCY

**AUTHORITY:** Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].

**SOURCE:** Emergency rules adopted at 22 Ill. Reg. 231637 effective January 13, 1998, for a maximum of 150 days.

**Section 416.10 Maintenance of Books and Records and Commission Access**

**EMERGENCY**

- a) Electric utilities shall maintain all accounts, irrespective of whether the activity, transaction, or other matter being accounted for constitutes public utility business or not, in accordance with 83 Ill. Adm. Code 415, Uniform System of Accounts for Electric Utilities.
- b) Activities, transactions and other matters pertaining to business other than public utility business shall be recorded in subaccounts of the accounts established in 83 Ill. Adm. Code 415. Allocations of a charge made between the operations of the public utility business and the business other than public utility business shall be made to the principal utility account and to a subaccount created specifically for the non-public utility business.

**Section 416.20 Cost Allocation Guidelines**

**EMERGENCY**

- a) Written guidelines for allocating charges between the public utility business and the business other than public utility business shall be submitted to the Director of Accounting of the Commission for approval within 30 days of the effective date of this Part unless the public utility conducts public utility business only.
- b) When a public utility that does not conduct any business other than public utility business as of the effective date of this Part begins to conduct such other business after the effective date of this Part, the public utility shall submit the guidelines for allocating charges

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

between the public utility business and such other business prior to the initiation of such other business.

**Section 416.30 Internal Audits**

**EMERGENCY**

- a) Public utilities shall conduct annual internal audits of the accounting for the business other than public utility business. These audits shall test compliance with this Part, with the cost allocation guidelines approved by the Director of Accounting of the Commission, with any applicable Commission orders, and with 83 Ill. Adm. Code 415. The audits shall include written reports of conclusions and associated workpapers which shall be available to the Commission Staff for review. The audit reports shall be submitted to the Commission's Director of Accounting within 30 days of completion.

- b) The first such internal audit report shall be submitted to the Director of Accounting of the Commission on or before December 1, 1998. Succeeding audit reports shall be submitted to the Director of Accounting of the Commission on or before December 1 of each succeeding year.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULE

- 1) Heading of the Part: Accounting for Non-Public Utility Business of Gas Utilities

- 2) Code Citation: 83 Ill. Adm. Code 506

- 3) Section Numbers: Proposed Action:  
506.10 New Section  
506.20 New Section  
506.30 New Section

- 4) Statutory Authority: Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].

- 5) Effective Date of Rule: January 13, 1998

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable

- 7) Date Filed in Agency's Principal Office: January 12, 1998

- 8) Reason for Emergency: It is necessary to proceed with this rulemaking on an emergency basis because of changes made by P.A. 90-561 in Section 7-102 of the Public Utilities Act. Prior to the effective date of this amendment (December 16, 1997), utilities wishing to invest in non-public utility business were required to seek prior Commission approval. Under revised Section 7-102, electric and gas utilities with annual gross revenues in all jurisdictions of \$250,000,000 or more are no longer required to seek approval for contracts involving annual consideration of \$5,000,000 or less.

The changes in Section 7-102 allow certain gas and electric utilities to enter into contracts involving significant annual consideration without the Commission being aware of the accounting for these transactions. The utilities will continue to close their books monthly. Thus, whatever transactions the utilities entered into, for example, in January 1998 will have to be recorded on the books by the end of January 1998. Costs attributable to any non-public utility business entered into by the utilities must remain readily identifiable to ensure the integrity of the ratemaking process.

- 9) A Complete Description of the Subjects and Issues Involved: On December 16, 1997, Governor Edgar signed into law P.A. 90-561, which restructures the electric utility industry in Illinois. The Public Act adds Articles XVI, XVII, and XVIII to the Public Utilities Act (PUA) and amends or adds other Sections of the PUA. The Public Act also revises the taxation associated with electric utilities.

The Public Act amends Section 7-206 of the PUA. Section 7-206 states in

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULE

relevant part:

The Commission shall have the power to inquire as to an prescribe the apportionment of capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such public utility as distinguished from such other business. Provided, however, that an electric or gas public utility shall not be required to maintain the accounts of any non-public utility business in the same manner and form as the electric or gas public utility business unless expressly ordered by the Commission. (Emphasis added)

It is immediately necessary for accounting procedures to be in place to prevent direct or indirect cross-subsidization between the public utility and the non-public utility business. If expenses which support non-public utility business are included in the public utility business, the public utility customers would suffer irreparable harm and consequences. If expenses associated with the non-public utility business were included as a cost of the public utility business in a Commission proceeding to examine the appropriate level of rates of the public utility, the public utility customers would be responsible for expenses which properly belong to the utility's non-public utility business. Rates would be higher than they would have been had not these non-public utility business expenses been included in the cost of service.

Gas utilities remain subject to Article IX and traditional notions of preventing cross-subsidization fully apply. The essential notion for both the electric and gas industries is that the Commission must have sufficient information to allow it to set rates that are not higher than they would have been had not these non-public utility business costs been included in the cost of service.

- 10) Are there any proposed amendments to this Part pending? No

- 11) Statement of Statewide Policy Objectives: These emergency rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

- 12) Information and questions regarding these rules shall be directed to:

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
(217)785-3922



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULE

FAX: (217)524-9280

The full text of the Emergency Rules begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULE

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIES

## PART 506

## ACCOUNTING FOR NON-PUBLIC UTILITY BUSINESS OF GAS UTILITIES

## Section

506.10

Maintenance of Books and Records and Commission Access

EMERGENCY

506.20

Cost Allocation Guidelines

EMERGENCY

506.30

Internal Audits

EMERGENCY

AUTHORITY: Implementing Section 7-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-206 and 10-101].

SOURCE: Emergency rules adopted at 22 Ill. Reg. \_\_\_\_\_, effective January 13, 1998, for a maximum of 150 days.

## Section 506.10 Maintenance of Books and Records and Commission Access

EMERGENCY

- a) Gas utilities shall maintain all accounts, irrespective of whether the activity, transaction, or other matter being accounted for constitutes public utility business or not, in accordance with 83 Ill. Adm. Code 505, Uniform System of Accounts for Gas Utilities.
- b) Activities, transactions and other matters pertaining to business other than public utility business shall be recorded in subaccounts of the accounts established in 83 Ill. Adm. Code 505. Allocations of a charge made between the operations of the public utility business and the business other than public utility business shall be made to the principal utility account and to a subaccount created specifically for the non-public utility business.

## Section 506.20 Cost Allocation Guidelines

EMERGENCY

- a) Written guidelines for allocating charges between the public utility business and the business other than public utility business shall be submitted to the Director of Accounting of the Commission for approval within 30 days of the effective date of this part unless the public utility conducts public utility business only.
- b) When a public utility that does not conduct any business other than public utility business as of the effective date of this part begins to conduct such other business after the effective date of this part, the public utility shall submit the guidelines for allocating charges

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULE

between the public utility business and such other business prior to the initiation of such other business.

**Section 506.30 Internal Audits  
EMERGENCY**

- a) Public utilities shall conduct annual internal audits of the accounting for the business other than public utility business. These audits shall test compliance with this Part, with the cost allocation guidelines approved by the Director of Accounting of the Commission, with any applicable Commission orders, and with 83 Ill. Adm. Code 505. The audits shall include written reports of conclusions and associated review. The audit reports shall be submitted to the Commission's Director of Accounting within 30 days of completion.
- b) The first such internal audit report shall be submitted to the Director of Accounting of the Commission on or before December 1, 1998. Succeeding audit reports shall be submitted to the Director of Accounting of the Commission on or before December 1 of each succeeding year.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)
- 2) Code Citation: 89 Ill. Adm. Code 679
- 3) Section Numbers Proposed Action:  
679.50 Amend
- 4) Statutory Authority: 20 ILCS 2405/3
- 5) Effective Date of Amendment: January 12, 1998
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which is will expire: Not to expire before 150-day period.
- 7) Date Filed in the Agency's Principal Office: January 12, 1998
- 8) Reason of Emergency: In August 1997, Governor Edgar signed legislation which increased by 3% the rate of payment for Personal Assistants paid by the Home Services Program. This rate increase was effective on July 1, 1997. This increase requires the Service Cost Maximums for the Home Services Program to be increased so that clients can receive the hours of service necessary to remain at home. Failure to increase the Service Cost Maximums to reflect the increased cost of service can be detrimental to the health and safety of the individuals served by the Department of Human Services, Home Services Program. This threat to health and safety arises because current clients in need of increased hours of service to address changes in their medical or home situation cannot receive those services if the cost of the additional hours of service exceed the current SCM. Also, new clients cannot receive the hours of service they may need because the cost of the services with the rate increase will exceed the SCM.
- 9) Complete description of the Subjects and Issues Involved:  
The purpose of this Amendment is to increase the SCM of the Home Services Program by 3%. This increase is needed to bring the current rules in line with the rate increase recently approved by the Legislature and signed by Governor Edgar. The SCM is the maximum amount that can be spent for services through HSP for an individual who chooses HSP services over institutionalization.
- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create nor expand a State mandate.
- 12) Information and questions regarding this emergency rulemaking shall be

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)  
PART 679

- Section 679.10 General Provisions
- 679.20 Composition of the DON
- 679.30 Scoring of the DON Except for Respite Cases
- 679.40 Scoring the DON for Respite Cases
- 679.50 Service Cost Maximums (SCMs)

EMERGENCY

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; emergency amendment at 22 Ill. Reg. 6002, effective January 12, 1998, for a maximum of 150 days.

Section 679.50 Service Cost Maximums (SCMs)  
EMERGENCY

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount is directly correspondent to the amount the State would expect to pay for nursing care component of institutionalization if the individual chose institutionalization.
- b) The As-of-July-17-1996-the SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 711690
33 through 40	887861
41 through 49	986957
50 through 59	11807146
60 through 69	138717947
70 through 79	150017456
80 through 100	161317566

- c) The As-of-July-17-1996-the SCMs for individuals served under the AIDS

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

directed to:

Ms. Susan Warner, Manager  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772  
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 953964
33 through 40	148917446
41 through 49	198617928
50 through 59	248227410
60 through 69	297927092
70 through 79	347537374
80 through 100	397237056

d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.

e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 12, 1998, for a maximum of 150 days)

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DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF EMERGENCY AMENDMENT(S)

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Numbers: Emergency Action:  
1220.415 New Section
- 4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]
- 5) Effective Date of Rules: January 8, 1998
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they will expire; These emergency rules are to expire when the proposed rules are adopted.
- 7) Date Filed in Agency's Principal Office: January 8, 1998
- 8) Reason for Emergency: Public Act 90-0061, effective December 30, 1997, includes changes in the fee structure under the Illinois Dental Practice Act. Among its changes was an increase in the renewal fees for dentists and dental hygienists and elimination of other statutory fees, replacing them with fees set by administrative rule. Under this emergency rulemaking, application fees for dentists, dental specialists, dental hygienists, and continuing education sponsors are increased, as are application fees for sedation permits and temporary training and restricted faculty licenses. Permanent rules are proposed.
- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes various fees under the Illinois Dental Practice Act; the statutory fees were removed during the past legislative session.
- 10) Are there any proposed Amendments to this Part pending: Yes

Section Numbers	Proposed Action	Illinois Register Citation
1220.500	Amendment	21 Ill. Reg. 10889 August 8, 1997
1220.510	Amendment	21 Ill. Reg. 10889 August 8, 1997
1220.520	Amendment	21 Ill. Reg. 10889 August 8, 1997
1220.525	Amendment	21 Ill. Reg. 10889 August 8, 1997
1220.530	Amendment	21 Ill. Reg. 10889 August 8, 1997
1220.540	Amendment	21 Ill. Reg. 10889 August 8, 1997
1220.560	Amendment	21 Ill. Reg. 10889 August 8, 1997

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT(S)

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government

12) Information and questions regarding these Rules shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813  
Fax #: 217/782-7645

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1220

## ILLINOIS DENTAL PRACTICE ACT

## SUBPART A: DENTIST

Section	
1220.100	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

## SUBPART B: DENTAL HYGIENIST

Section	
1220.200	Application for Licensure
1220.210	Application for Examination
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

## SUBPART C: DENTAL SPECIALIST

Section	
1220.310	Applications
1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

## SUBPART D: GENERAL

Section

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT(S)

1220.400 Reportable Diseases and Conditions  
 1220.405 Reporting of Adverse Occurrences  
 1220.410 Endorsement  
 1220.415 Fees

EMERGENCY

1220.421 Advertising  
 1220.425 Referral Services  
 1220.431 Employment by Corporation (Repealed)  
 1220.435 Renewals (Repealed)  
 1220.440 Continuing Education  
 1220.441 Granting Variances

## SUBPART E: ANESTHESIA PERMITS

## Section

1220.500 Definitions  
 1220.510 Light Parenteral Conscious Sedation  
 1220.520 General Anesthesia and Deep Parenteral Conscious Sedation  
 1220.525 Renewal  
 1220.530 Anesthesia Review Panel  
 1220.540 Approved Programs in Anesthesiology  
 1220.550 Reporting of Adverse Occurrences  
 1220.560 Restoration of Permits

APPENDIX A Pre-clinical Restorative Dentistry Sub-section (Repealed)  
 APPENDIX B Dental Assistant Permitted Procedures  
 APPENDIX C Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559,

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT(S)

effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective May 2, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 1332, effective January 8, 1998, for a maximum of 150 days.

## SUBPART D: GENERAL

Section 1220.415 FeesEMERGENCY

The following fees shall be paid to the Department and are not refundable:

## a) Application Fees.

- 1) The fee for application for initial license as a dentist is \$250.
- 2) The fee for application as a dental specialist is \$300.
- 3) The fee for application as a dental hygienist is \$100.
- 4) Applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- 5) The fee for application for a dentist licensed under the laws of another jurisdiction is \$750.
- 6) The fee for application for a dental sedation permit is \$300.
- 7) The fee for application for a restricted faculty license is \$250.
- 8) The fee for application for a temporary training license is \$150.
- 9) The fee for application as a continuing education sponsor is \$1,000.

## b) Renewal Fees.

- 1) The fee for the renewal of a license as a dentist is \$150, pursuant to Section 21 of the Act.
- 2) The fee for the renewal of a license as a dental specialist is \$150, pursuant to Section 21 of the Act.
- 3) The fee for the renewal of a license as a dental hygienist is \$75, pursuant to Section 21 of the Act.
- 4) The fee for the renewal of a sedation permit is \$150.
- 5) The fee for the renewal of a license as a continuing education sponsor is \$500.

## c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT(S)

or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- 6) The fee for a roster of persons licensed in this State under the Dental Practice Act shall be the actual cost of producing such a roster.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 3332, effective January 8, 1998, for a maximum of 150 days)

## ILLINOIS AFFORDABLE HOUSING PROGRAM

## NOTICE OF PUBLIC INFORMATION

## ANNUAL PLAN OF THE ADVISORY COMMISSION

The Illinois Affordable Housing Act (310 ILCS 65/1 et seq. the "Act") established the Illinois Affordable Housing Program (the "Program") to provide affordable housing to low and very low income persons and families. The Act established the Illinois Affordable Housing Trust Fund (the "Trust Fund") within which is deposited 50% of the collections from the State real estate transfer tax. The Trust Fund monies fund the Program.

Funds are distributed and made available under the Program through two subprograms. The Housing Trust Fund ("HTF") Program which has been in operation since the establishment of the Program which has been in operation since the establishment of the Program provides subordinate gap financing or grants in a maximum amount of generally not to exceed \$500,000 per applicant per year. In 1994, the Authority created the Trust Fund Bond (TFB) Program. The TFB Program was created by leveraging Trust Fund monies to securitize and collateralize private taxable bond issues. The Bonds were sold in two funds. Funds from the sale of the bonds were then used to provide first mortgage loans to eligible developers of multi-family developments. No additional Bond sales are planned.

The Act creates an Advisory Commission (the "Commission") to advise the Illinois Housing Development Authority (the "Authority") as to the operation of the Program. The Act provides that the Commission carry out certain responsibilities, including, the development and publication of a plan. Section 17(a) of the Act requires the Commission to prepare and publish in the Illinois Register a plan which describes the available resources to the Program, the application process for the Program, and the initial priorities for expenditure of the available resources. Pursuant to Section 17(a) of the Act, the Advisory Commission to the Illinois Affordable Housing Program has prepared the following plan.

## I. Available Resources

Based on a review of the Program and projections by the Illinois Department of Revenue, the monies available to be spent on the Program in fiscal year 1998 shall be approximately \$20 million. Of the total monies available, approximately \$5.4 million has been pledged to the TFB Program.

## II. Application Process

The applicant must first complete an application form created by the Authority. The applicant requests, among other things, the following information:

- a. A general description of the proposed project.
- b. The total number of units, total number of low and very low income units, unit size and mix, and the respective rents or purchase prices

## ILLINOIS AFFORDABLE HOUSING PROGRAM

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to be charged.

- c. A breakdown of the project budget's uses and sources.
- d. A development plan which outlines the project's completion schedule and identifies the project's participants and anticipated funding sources.
- e. The background, housing experience, and financial status of the applicant.

The Authority charges a \$250 application fee to non-profit organizations and \$500 to for-profits which must accompany the HTF application.

After the applicant submits the application, the Authority will review it to determine whether the project, as proposed, satisfies the purposes and requirements of the Act and the Rules promulgated thereunder. The Authority will notify the applicant within approximately 30 days if the application fails to meet these requirements. If the application meets these basic requirements the Authority staff, in cooperation with the applicant, will establish and obtain the additional information necessary to properly evaluate the project. The Authority staff will then analyze the project's feasibility. Based on this analysis, the Authority will make its recommendation to the Commission. Prior to the Commission review, the Authority will notify parties interested in the application, including local officials, of the details of the project. The recommendations of the Authority staff together with those of the Commission will then be presented to the Authority's Board of Directors (the "Board" for approval consideration. Upon approval by the Board, the Authority staff will deliver a conditional commitment to the applicant.

### III. Priorities

The following statement represents the initial priorities for the evaluation of Program applications. The priorities and goals stated below represent guidelines to be followed in evaluating applications and are not intended to be exhaustive. The Commission may modify these priorities and goals as the Program evolves.

- a) Priority should be given to those HTF applications which demonstrate that the applicant has explored and exhausted other available public and private resources.
- b) Priority should be given to those projects which provide the most affordable housing for the longest period of time, with a goal of ensuring the some Trust fund monies be directed to the lowest income population.

## ILLINOIS AFFORDABLE HOUSING PROGRAM

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- c) The Program should ensure an equitable distribution of Trust Fund monies across the State by establishing a goal of funding a proportionate number of units in the Chicago metropolitan area, other metropolitan areas and rural areas as compared to those area's percentage of State population

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 1997.

Departmental Directive #97-05: "Special Game Designation: Summertime Holiday Cash, Game #43"

Departmental Directive #97-06: "Special Game Designation: License to Win Promotion"

Departmental Directive #97-07: "Instant Ticket Claim Periods - Exceptions"

Departmental Directive #98-01: "Special Game Designation: Holiday Cash, Game #88"

Departmental Directive #98-02: "Special Game Designation: Lotto's \$1,000,000 Countdown"

Game Rules - Instant Game No. 35, "Hearts are Wild"

Game Rules - Instant Game No. 36, "Wild Bingo"

Game Rules - Instant Game No. 37, "Club Casino"

Game Rules - Instant Game No. 38, "Lots 'O Change"

Game Rules - Instant Game No. 39, "Cats"

Game Rules - Instant Game No. 40, "Corned Beef & Cash"

Game Rules - Instant Game No. 41, "Deep Dish Dough"

Game Rules - Instant Game No. 42, "Grand Slam"

Game Rules - Instant Game No. 43, "Summertime Holiday Cash"

Game Rules - Instant Game No. 44, "Decade of Dollars"

Game Rules - Instant Game No. 45, "Vegas Action"

Game Rules - Instant Game No. 46, "Gilligan's Island"

Game Rules - Instant Game No. 47, "Double Bingo"

Game Rules - Instant Game No. 48, "7-11-21"

Game Rules - Instant Game No. 49, "Darts"

Game Rules - Instant Game No. 50, "Happy Mothers/Fathers Day"

Game Rules - Instant Game No. 51, "Special Edition Win for Life IV"

Game Rules - Instant Game No. 52, "Race for the Riches"

Game Rules - Instant Game No. 53, "Lucky Numbers"

Game Rules - Instant Game No. 54, "Cha-Ching/Couch Change"

Game Rules - Instant Game No. 55, "3 of a Kind"

Game Rules - Instant Game No. 56, "7-11-21"

Game Rules - Instant Game No. 57, "Double Tic-Tac-Toe"

Game Rules - Instant Game No. 58, "Ten Grand"

Game Rules - Instant Game No. 59, "Firecracker Tripler"

Game Rules - Instant Game No. 60, "Blackout Bingo"

Game Rules - Instant Game No. 61, "Derby Dollars"

## DEPARTMENT OF THE LOTTERY

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Game Rules - Instant Game No. 62, "Let it Roll"

Game Rules - Instant Game No. 63, "Ace in the Hole"

Game Rules - Instant Game No. 64, "Hole in Won"

Game Rules - Instant Game No. 65, "Wild, Wild Winnings"

Game Rules - Instant Game No. 66, "Lucky Streak"

Game Rules - Instant Game No. 67, "Magic Charm Bingo"

Game Rules - Instant Game No. 68, "Three Stooges"

Game Rules - Instant Game No. 69, "Keep the Change"

Game Rules - Instant Game No. 70, "8 Ball"

Game Rules - Instant Game No. 71, "Football Fever"

Game Rules - Instant Game No. 73, "Lucy & Desi"

Game Rules - Instant Game No. 74, "Jack O'Lantern Jackpot"

Game Rules - Instant Game No. 75, "Lucky Joker"

Game Rules - Instant Game No. 76, "\$100,000 Mega Slots"

Game Rules - Instant Game No. 77, "Double 21"

Game Rules - Instant Game No. 78, "Turkey Tripler II"

Game Rules - Instant Game No. 79, "I Dream of Greenies"

Game Rules - Instant Game No. 80, "League Night"

Game Rules - Instant Game No. 81, "Winning Pairs"

Game Rules - Instant Game No. 82, "Lucky Bug"

Game Rules - Instant Game No. 83, "Triple Bucks"

Game Rules - Instant Game No. 84, "Big Deal"

Game Rules - Instant Game No. 85, "Lady Luck"

Game Rules - Instant Game No. 86, "Holiday Bingo"

Game Rules - Instant Game No. 87, "Casino Royale"

Game Rules - Instant Game No. 88, "Holiday Cash"

Game Rules - Instant Game No. 89, "Yuletide Green"

Game Rules - Instant Game No. 90, "Holiday Lucky for Life"

Game Rules - Instant Game No. 91, "Merry Money"

Game Rules - Instant Game No. 92, "New Year's Cash"

Game Rules - Instant Game No. 93, "Hoops"

Game Rules - Instant Game No. 94, "Rub-A-Dub Doubler"

Game Rules - Instant Game No. 95, "Odd/Even Bingo"

Game Rules - Instant Game No. 97, "E-Z Bingo"

Game Rules - Instant Game No. 98, "Kisses & Cash"

Game Rules - Instant Game No. 05, "Double Doubler"

Game Rules - Instant Game No. 07, "Keno"

Illinois Instant Riches TV Game Show Procedures, revised effective January 25, 1997; revised effective June 18, 1997; revised effective July 25, 1997; revised effective October 1, 1997

Pick 3 "Ride in Style" Promotion Official Rules & Procedures

Pick 3 "Ride in Style" Promotion Official Drawing Procedures

Addendum to Pick 3 "Ride in Style" Official Rules & Procedures and Official Drawing Procedures

"License to Win" Official Promotion Rules

Addendum to "License to Win" Official Promotion Rules

Illinois Lottery "Bonus Buy" Promotion Official Rules

Lotto's "\$1,000,000 Countdown" Promotion Official Rules & Procedures



## DEPARTMENT OF THE LOTTERY

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Lotto's "\$1,000,000 Countdown" Official Drawing Procedures  
 Instant Ticket Claim Dates  
 Instant Game Fact Sheet  
 Instant Game Prize List  
 "Illinois Instant Riches" Game Show Summary  
 1997 Winning Numbers Lists (Pick 3, Pick 4, Little Lotto, Lotto, The Big Game)  
 Lottery Financial History, Sales by Game  
 Lotto & Little Lotto Odds Calculations  
 Lottery News -- The Illinois Lottery: How to Play and Win  
 Lottery News -- How to Play and Win with The Big Game  
 How to Play Lottery brochure  
 "Million Dollar Countdown" Promotion Winners List  
 "Pick-3 Ride in Style" Promotion Winners List  
 "License to Win" Promotion Winners List

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer  
 Illinois Department of the Lottery  
 P. O. Box 19080  
 Springfield, Illinois 62794-9080

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) Heading and Code Citation: Placement and Visitation Services (89 Ill. Adm. Code 301)
- 1) Rulemaking:
- A) Description: Amendments will be made to clarify that searches for appropriate relative placements and placements suitable for concurrent planning will be made.
- B) Statutory Authority: 20 ILCS 505
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Spring 1998
- E) Affect on small business, small municipalities or not for profit corporations: These rules are expected to have no effect on small businesses, small municipalities, or not for profit corporations.
- F) Agency contact person for information:
- Mr. Jerry B. Crabtree  
 Department of Children and Family Services  
 Office of Rules and Procedures  
 406 East Monroe, Station #65  
 Springfield, IL 62701-1498  
 217-524-1983  
 FAX: 217-557-0692  
 E-MAIL: ORPINFO@pop.state.il.us
- G) Related rulemaking and other pertinent information: None
- b) Part(s) Heading and Code Citation: Client Service Planning (89 Ill. Adm. Code 305)
- 1) Rulemaking:
- A) Description: This rulemaking will be repealed and replaced by new proposed rules 315 and 316.
- B) Statutory Authority: 20 ILCS 505
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Spring 1998

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## JANUARY 1998 REGULATORY AGENDA

E) Affect on small business, small municipalities or not for profit corporations: These rules are expected to have no effect on small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

Mr. Jerry B. Crabtree  
Department of Children and Family Services  
Office of Rules and Procedures  
406 East Monroe, Station #65  
Springfield, IL 62701-1498  
217-524-1983

FAX: 217-557-0692

E-MAIL: ORPINFO@pop.state.il.us

G) Related rulemaking and other pertinent information: None

c) Part(s) Heading and Code Citation: Case Reviews and Court Hearings (89 Ill. Adm. Code 316)

1) Rulemaking:

A) Description: A new Part will be proposed to describe the case review and permanency hearing process.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1998

E) Affect on small business, small municipalities or not for profit corporations: Child welfare agencies with contracts to provide substitute care services to children who are the legal responsibility of the Department are required by these rules to prepare for and attend Administrative Case Reviews and court hearings and to complete and submit any necessary reports to the court.

F) Agency contact person for information:

Mr. Jerry B. Crabtree  
Department of Children and Family Services  
Office of Rules and Procedures  
406 East Monroe, Station #65  
Springfield, IL 62701-1498

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## JANUARY 1998 REGULATORY AGENDA

217-524-1983

FAX: 217-557-0692

E-MAIL: ORPINFO@pop.state.il.us

G) Related rulemaking and other pertinent information: None

d) Part(s) Heading and Code Citation: Permanency Planning (89 Ill. Adm. Code 315)

1) Rulemaking:

A) Description: A new Part will be established to describe family staffings, court-family conferences, the permanency goals, concurrent planning, best interests of the child, reasonable efforts of the Department/private agency, reasonable progress of the client, after care services, and family reunification.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1998

E) Affect on small business, small municipalities or not for profit corporations: Child welfare agencies with contracts to provide substitute care services to children who are the legal responsibility of the Department are required by these rules to make regular contacts and hold meetings with families, children, and substitute care givers, complete assessments of families and children, and develop case plans on forms specified by the Department.

F) Agency contact person for information:

Mr. Jerry B. Crabtree  
Department of Children and Family Services  
Office of Rules and Procedures  
406 East Monroe, Station #65  
Springfield, IL 62701-1498  
217-524-1983  
FAX: 217-557-0692  
E-MAIL: ORPINFO@pop.state.il.us

G) Related rulemaking and other pertinent information: None

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## JANUARY 1998 REGULATORY AGENDA

- e) Part(s) Heading and Code Citation: Confidentiality of Personal Information of Persons Served by DCFS (89 Ill. Adm. Code 431.)

1) Rulemaking:

A) Description: The rulemaking will be amended to allow the disclosure of client information under certain limited circumstances, and to clarify the retention period for unfounded child abuse/neglect reports.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1998

E) Affect on small business, small municipalities or not for profit corporations: These rules are expected to have no affect on small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

Mr. Jerry B. Crabtree  
Department of Children and Family Services  
Office of Rules and Procedures  
406 East Monroe, Station #65  
Springfield, IL 62701-1498  
217-524-1983  
FAX: 217-557-0692  
E-MAIL: ORPINFO@pop.state.il.us

G) Related rulemaking and other pertinent information: None

- f) Part(s) Heading and Code Citation: Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)

1) Rulemaking:

A) Description: Amends the requirements for the height of a fence around swimming pools. Adds language to allow meals to be supplied by parents and to prohibit wild or dangerous animals (i.e. monkeys, ferrets, turtles, iguanas) in the area used for day care. This amendatory rulemaking will establish guidelines for declaratory rulings, and clarify language for administering medications.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## JANUARY 1998 REGULATORY AGENDA

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1998

E) Affect on small business, small municipalities or not for profit corporations: Allowing parents to send meals from home will reduce the expense of day care home providers. There may be some day care home providers who are required to replace the fence around their pool to meet the new height requirement. These will be a small percentage and the Department will provide time to come into compliance with this requirement.

F) Agency contact person for information:

Mr. Jerry B. Crabtree  
Department of Children and Family Services  
Office of Rules and Procedures  
406 East Monroe, Station #65  
Springfield, IL 62701-1498  
217-524-1983  
FAX: 217-557-0692  
E-MAIL: ORPINFO@pop.state.il.us

G) Related rulemaking and other pertinent information: None

- g) Part(s) Heading and Code Citation: Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)

1) Rulemaking:

A) Description: Clarifies the requirements for the height of a fence around swimming pools. Adds language to allow for declaratory rulings and prohibits certain animals in the area used for day care. Clarifies language for administering medications.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1998

E) Affect on small business, small municipalities or not for profit corporations: These rules are expected to have no affect on small



DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1998 REGULATORY AGENDA

businesses, small municipalities, or not for profit corporations

F) Agency contact person for information:

Mr. Jerry W. Chabrese  
Department of Children and Family Services  
Office of Rules and Procedures  
406 East Monroe, Room #65  
Springfield, IL 62701-1498  
217/524-1981  
FAX: 217/567-0692  
E-MAIL: ORP@ncpfps.state.il.us

G) Related rulemaking and other pertinent information: None

h) Part(s) Heading and Code Citation: Discipline and Behavior Management in Child Care Facilities (89 111, Adm. Code 104)

1) Rulemaking

A) Description: Amendments will be proposed to clarify the requirements for manual restraint, seclusion, and other behavior management methods.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency and children plan: Not later: Spring 1998

E) Affect on small businesses, small municipalities or not for profit corporations: These rules are expected to have no effect on small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

Mr. Jerry W. Chabrese  
Department of Children and Family Services  
Office of Rules and Procedures  
406 East Monroe, Room #65  
Springfield, IL 62701-1498  
217/524-1981  
FAX: 217/567-0692  
E-MAIL: ORP@ncpfps.state.il.us

G) Related rulemaking and other pertinent information: None

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1998 REGULATORY AGENDA

i) Part(s) Heading and Code Citation: Community Notification Requirements (89 111, Adm. Code 170)

1) Rulemaking

A) Description: Implements Public Act 90-00, requiring community notification when a child care facility changes its services or client population

B) Statutory Authority: 89 ILCS 505

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency and children plan: Not later: Spring 1998

E) Affect on small businesses, small municipalities or not for profit corporations: These rules are expected to have no effect on small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

Mr. Jerry W. Chabrese  
Department of Children and Family Services  
Office of Rules and Procedures  
406 East Monroe, Room #65  
Springfield, IL 62701-1498  
217/524-1981  
FAX: 217/567-0692  
E-MAIL: ORP@ncpfps.state.il.us

G) Related rulemaking and other pertinent information: None

## ILLINOIS COMMERCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

- a) (Part(s) (Heading and Code Citation): Electric Reliability, 83 Ill. Adm. Code 411

## 1) Rulemaking:

- A) Description: This rulemaking will implement Sections 8-301 and 16-125 of the Public Utilities Act by setting out criteria for evaluating the reliability of electric suppliers subject to the Public Utilities Act.
- B) Statutory Authority: Implementing Sections 8-301 and 16-125 and authorized by Section 10-101 and 16-125 of the Public Utilities Act [220 ILCS 5/8-301, 10-101, and 16-125].
- C) Scheduled meeting/hearing date: A schedule of hearings for this rulemaking has not yet been established.

- D) Date agency anticipates First Notice: February 1, 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking should have no effect on small businesses, as there are currently no small businesses that are supplying electric service subject to the Public Utilities Act.

- F) Agency contact person for information:

Roy Buxton  
Illinois Commerce Commission  
525 East Capitol Avenue  
Springfield, IL 62706  
(217) 785-5424

- G) Related rulemakings and other pertinent information: None

- b) (Part(s) (Heading and Code Citation): Standards of Service for Electric Utilities, 83 Ill. Adm. Code 410

## 1) Rulemaking:

- A) Description: It is anticipated that this rulemaking will be conducted jointly with the rulemaking described in (a) above. With the amendment of the Public Utilities Act by P.A. 90-561, the Commission is anticipating the repeal of Subpart C of Part 410 and the creation of a new Part.

- B) Statutory Authority: Implementing Sections 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301

## ILLINOIS COMMERCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

and 10-101].

- C) Scheduled meeting/hearing date: A schedule of hearings for this rulemaking has not yet been established.

- D) Date agency anticipates First Notice: February 1, 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking should have no effect on small businesses, as there are currently no small businesses that are supplying electric service subject to the Public Utilities Act.

- F) Agency contact person for information:

Roy Buxton  
Illinois Commerce Commission  
525 East Capitol Avenue  
Springfield, IL 62706  
(217) 785-5424

- G) Related rulemakings and other pertinent information: None

- c) (Part(s) (Heading and Code Citation): Non-discrimination in Affiliate Transactions for Electric Utilities, 83 Ill. Adm. Code: Chapter I, Subchapter c: Electric Utilities (exact Part designation undetermined at this time)

## 1) Rulemaking:

- A) Description: This rulemaking will implement Section 16-121 of the Public Utilities Act and will establish rules to govern the relationship between electric utilities and their affiliates to ensure that there is no discrimination in the provision of services to the affiliates and any alternative retail electric supplier.

- B) Statutory Authority: Implementing and authorized by Section 16-121 of the Public Utilities Act [220 ILCS 5/16-121].

- C) Scheduled meeting/hearing date: A schedule of hearings for this rulemaking has not yet been established.

- D) Date agency anticipates First Notice: February 1, 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any alternative retail electric supplier or any utility affiliate that is also a small

## ILLINOIS COMMERCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

business as defined in the Illinois Administrative Procedure Act.

F) Agency contact person for information:

Richard Zuraski  
Illinois Commerce Commission  
525 East Capitol Avenue  
Springfield, IL 62706  
(217) 785-4150

G) Related rulemakings and other pertinent information: None

- d) (Part(s) (Heading and Code Citation): Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunications Carriers in Filing for an Increase in Rates, 83 Ill. Adm. Code 285

1) Rulemaking:

- A) Description: This rulemaking proceeding is examining the required data that must be filed with the Commission when any of the subject entities files a general rate increase. This material is reviewed by Commission staff in preparation of the rate case.

- B) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101].

- C) Scheduled meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 93-0351.

- D) Date agency anticipates First Notice: Undetermined

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject utilities or local exchange carriers that are also small businesses.

F) Agency contact person for information:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
525 East Capitol Avenue  
Springfield, IL 62706  
(217) 785-7434

G) Related rulemakings and other pertinent information: None

## ILLINOIS COMMERCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

- e) (Part(s) (Heading and Code Citation): Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service, 83 Ill. Adm. Code 280

1) Rulemaking:

- A) Description: This rulemaking will revise the Commission's rules concerning the relation between the listed fixed utilities and the customers of these utilities. As indicated in the heading of this Part, the subjects include eligibility for service and shut-offs of utility service. It should be noted that this rulemaking will not consider the relation between customers and telecommunications carriers.

- B) Statutory Authority: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101 and 8-207 of the Public Utilities Act [220 ILCS 5/8-101 and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101].

- C) Scheduled meeting/hearing date: The next hearing in this proceeding is scheduled for February 27, 1998. Persons interested in participating in this proceeding should file a petition to intervene in Docket 95-0550.

- D) Date agency anticipates First Notice: Undetermined

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may have some effect on small businesses and not for profit corporations.

- F) Agency contact person for information:

Conrad Rubinkowski  
Illinois Commerce Commission  
525 East Capitol Avenue  
Springfield, IL 62706  
(217) 785-8439

- G) Related rulemakings and other pertinent information: None



## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Participation in the Air Pollution Permit Program: 35 Ill. Adm. Code 252

1) Rulemaking:

A) Description: The Agency will be proposing amendments to these regulations to require public notice of maximum achievable control technology ("MACT") determinations made pursuant to Section 112(g) of the Clean Air Act ("CAA"), as amended in 1990, for new or modified major sources of hazardous air pollutants.

B) Statutory Authority: Sections 4, 9.1, and 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/4, 9.1, and 39.5]

C) Scheduled meeting/hearing date: To be scheduled

D) Date agency anticipates First Notice: March 1998

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Rachel L. Doctors  
Address: Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, IL 62794-9276  
Telephone: (217) 524-3337

G) Related rulemaking and other pertinent information: Pursuant to regulations adopted by the United States Environmental Protection Agency ("U.S. EPA") for the implementation of Section 112(g) of the CAA, the Illinois EPA is required to implement a Section 112(g) program by June 29, 1998. The Illinois EPA will use its existing preconstruction permitting program and follow U.S. EPA's regulations for Section 112(g) to implement its program. A public hearing to describe the Section 112(g) program will be held at the same time that the public hearing is held on the Agency's proposed amendments to 35 Ill. Adm. Code 252.

- b) Part(s) (Heading and Code Citation): Annual Emissions Report (35 Ill. Adm. Code 254)

1) Rulemaking:

## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 1998 REGULATORY AGENDA

A) Description: The proposed amendments to the annual emissions report rules are necessary to implement the Emissions Reduction Market System (ERMS) rule that is currently pending before the Pollution Control Board (897-13). Revisions are primarily needed to address the seasonal reporting needs of the proposed ERMS.

B) Statutory Authority: 415 ILCS 5/4(b)

C) Scheduled meeting/hearing dates: The Illinois EPA anticipates scheduling a hearing in the Spring of 1998.

D) Date Agency anticipates First Notice: April 1998.

E) Effect on small businesses, small municipalities or not for profit corporations: The proposed amendments to the rule will apply to major sources of volatile organic material emissions in the Chicago ozone non-attainment area. This may include a minimal number of small businesses. The proposed amendments are procedural reporting requirements and impose no new obligations on sources beyond those that will be part of the proposed ERMS rule.

F) Agency contact person for information:

Name: Bonnie Sawyer  
Address: Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, IL 62794-9276  
Telephone: 217/524-3333

G) Related rulemaking and other pertinent information: None.

- c) Part(s) (Heading and Code Citation): Design Criteria for Sludge Application on Land, 35 Ill. Adm. Code 391

1) Rulemaking:

A) Description: Amendments to Illinois design criteria for sludge application on land to update the State program and incorporate new federal requirements.

B) Statutory Authority: 415 ILCS 5/4.

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: February 15, 1998

## ENVIRONMENTAL PROTECTION AGENCY

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E) Effect on Small Businesses, small municipalities or not for profit corporations: These amendments will impose no requirements on any small businesses, small municipalities, or not for profit corporation that generated, used or otherwise dispose for application on land.

F) Agency contact person for information:

Name: Alan Bell

Address: Illinois Environmental Protection Agency,

1401 North Second Street,

P.O. Box 19276

Springfield, IL 62719-0276

Telephone: (314) 399-4610

G) Related rulemaking and other pertinent information: There are no related rulemakings.

H) Rule(s) (Heading and Code Citation): Amendments to Departmental Order of Livestock Waste from Landfills, 35 Ill. Adm. Code 580

1) Rulemaking:

a) Description: Provision to be followed by the owner or operator of a livestock waste lagoon to report any release of livestock waste to the Illinois Environmental Protection Agency.

b) Statutory Authority: Authorized by Section 15(4.5) of the Livestock Management Part III of Act, 510 ILCS 7/15(4.5) if those will not be requested.

c) Scheduled meeting to hear dates: If not determined.

d) Date agency anticipates first notice: Winter, 1998.

E) Effect on Small Businesses, small municipalities or not for profit corporations: These amendments will affect owners and operators of livestock and impose that they be small businesses.

F) Agency contact person for information:

Name: Timothy Bueker, Field Operations Unit

Division of Water Pollution Control

Bureau of Water

Illinois Environmental Protection Agency

1401 North Second Street,

Springfield, IL 62719

Telephone: (314) 399-4610

## ILLINOIS REGISTER

## ENVIRONMENTAL PROTECTION AGENCY

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Telephone: (314) 399-4610

G) Related rulemaking and other pertinent information: None.

H) Rule(s) (Heading and Code Citation): Illinois Environmental Protection Agency, Illinois EPA, Public Water Supplies, Technical Policy Statements, 35 Ill. Adm. Code 651 through 654.

1) Rulemaking:

a) Description: The amendments to these Illinois EPA rules will update definitions and explanations of administrative procedures and provide current information to owners, operators and officials of public water supplies. These recent design and operational criteria will be incorporated to provide information necessary for the design, operation and maintenance of public water supplies and to facilitate the permitting process.

b) Statutory Authority: Implemented and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act (415 ILCS 5/14 through 5/19).

c) Schedule meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.

d) Date agency anticipates first notice: July 30, 1998.

E) Effect on Small Businesses, small municipalities or not for profit corporations: These amendments will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for applications and permits. There may be some additional reporting requirements.

F) Agency contact person for information:

Name: Charlie Bell, Manager

Field Operations Section

Division of Public Water Supplies

Bureau of Water

Illinois Environmental Protection Agency

1401 North Second Street,

P.O. Box 19276

Springfield, IL 62719-0276

Telephone: (314) 399-4610

G) Related rulemaking and other pertinent information: None.

## ENVIRONMENTAL PROTECTION AGENCY

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f) Part(s) (Headings and Code Citation): Procedures for the Operation of the Fee System for Processing Inquiry Requests for Agency Records (35 Ill. Adm. Code 877).

1) Rulemaking: No docket presently reserved.

A) Description: The proposed rules will set forth a system for processing inquiry requests for agency records made by subsequent property owner in order to deflect liability for releases or threat of releases of hazardous substances or pesticides.

B) Statutory Authority: These rules will be proposed pursuant to Section 22.2(j)(6)(E)(v)(IV) of the Illinois Environmental Protection Act, 415 ILCS 5/22.2(j)(6)(E)(v)(IV) (1992).

C) Scheduled Meeting/Hearing Dates: None at this time.

D) Date Agency Anticipates First Notice: The Environmental Protection Agency anticipates submitting its proposal in Fall of 1998.

E) Effect on Small Business, Small Municipalities or Not for Profit Corporations: This rule could potentially affect any subsequent property owner doing an inquiry request for agency records.

F) Agency Contact Person for Information:

Name: Kimberly A. Robinson, Assistant Counsel  
Address: Division of Legal Counsel  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
Telephone: (217) 782-5544

G) Related Rulemaking and other pertinent information: There are no related rulemakings.

g) Part Heading and Code Citation: Procedures for Administering the Brownfields Redevelopment Grant Program (35 Ill. Adm. Code 885).

1) Rulemaking: No docket presently reserved.

A) Description: This rulemaking will establish the procedures and criteria by which the Agency will administer the grant program pursuant to Section 58.13 of the Environmental Protection Act. The grants will provide financial

## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 1998 REGULATORY AGENDA

assistance to be used for coordination of activities related to brownfields redevelopment, identification of brownfields sites, site investigation and determination of remediation objectives and related plans and reports, and development of remedial action plans.

B) Statutory Authority: Implemented and authorized by Section 58.13 of the Environmental Protection Act, 415 ILCS 5/58.13.

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: January 1998

E) Effect on small business, small municipalities or not for profit corporations: The Agency anticipates that small municipalities may be affected by this rule.

F) Agency contact person for information:

Name: Valerie A. Puccini, Assistant Counsel  
Address: Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
Telephone: (217) 782-5544

G) Related Rulemaking and other pertinent information: None

h) Part Heading and Code Citation: Access to Public Records of the Illinois Environmental Protection Agency (2 Ill. Adm. Code 1826) and Procedures for Determining and Protecting Confidential Information (2 Ill. Adm. Code 1827).

1) Rulemaking: No docket presently reserved.

A) Description: This rulemaking is to update citations to the Illinois Compiled Statutes, update references to the Illinois Environmental Protection Agency internal organization for contact people and review of documents, update the fee schedule, incorporate cost effective and efficient process changes, and repeal agency procedures for determining and protecting confidential information.

B) Statutory Authority: Implemented and authorized by Section 3(g) of the Freedom of Information Act, 5 ILCS 140/3(g).

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: Not yet determined



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E) Effect on small business, small municipalities or not for profit corporations: The Agency anticipates that small municipalities and not for profit corporations may be affected by this rule.

F) Agency contact person for information:

Name: Valerie A. Puccini, Assistant Counsel  
Address: Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
Telephone: (217) 782-5544

G) Related Rulemaking and other pertinent information: None

## ILLINOIS DEPARTMENT OF FINANCIAL INSTITUTIONS

## JANUARY 1998 REGULATORY AGENDA

a) Part (s) (Heading and Code Citation): Consumer Installment Loan Act, 38 Ill. Adm. Code 110

1) Rulemaking:

A) Description: Amends existing rules 110.1 through 110.240 to conform to amendments in the Consumer Installment Loan Act as contained in P.A. 90-437, effective January 1, 1998.

B) Statutory Authority: (205 ILCS 670/22)

C) Scheduled meeting/hearing dates: Not yet scheduled.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The Department of Commerce and Community Affairs has not made a determination, but will affect agency licensees under the Act.

F) Agency contact person for information:

M. Rose Kelly  
Chief Counsel  
Illinois Department of Financial Institutions  
100 W Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

G) Related rulemaking and other pertinent information: These rules will supersede the emergency rules currently in effect.

b) Part (s) (Heading and Code Citation): Sales Finance Agency Act, 38 Ill. Adm. Code 160

1) Rulemaking:

A) Description: Amends existing rules 160.10 through 160.230 to conform to amendments in the Sales Finance Agency as contained in P.A. 90-437, effective January 1, 1998.

B) Statutory Authority: (205 ILCS 660/13)

C) Schedule of meeting/hearing dates: Not yet scheduled.

D) Date agency anticipates First Notice: Not yet determined.

## ILLINOIS DEPARTMENT OF FINANCIAL INSTITUTIONS

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E) Affect on small businesses, small municipalities or not for profit corporations: The Department of Commerce and Community Affairs has not made a determination but will affect agency licensees under the Act.

F) Agency contact person for information:

M. Rose Kelly  
Chief Counsel  
Illinois Department of Financial Institutions  
100 W Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

G) Related rulemakings and other pertinent information: These rules will supersede the emergency rules currently in effect.

c) Part(s) (Heading and Code Citation): Debt Management Services Act, 38 Ill. Adm. Code 140

1) Rulemaking:

A) Description: Amends existing rules 140.10 through 140.110 to conform to amendments in the Debt Management Services Act, as contained in P.A. 90-545, effective January 1, 1998.

B) Statutory Authority: (205 ILCS 665/15)

C) Scheduled meeting/hearing dates: Not yet scheduled.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The Department of Commerce and Community Affairs has not made a determination but will affect licensees under the amended Debt Management Services Act.

F) Agency contact person for information:

M. Rose Kelly  
Chief Counsel  
Illinois Department of Financial Institutions  
100 W Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

## ILLINOIS DEPARTMENT OF FINANCIAL INSTITUTIONS

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G) Related rulemakings and other pertinent information: These rules will supersede the existing emergency rules currently in effect.

d) Part(s) (Heading and Code Citation): Currency Exchange Act, 38 Ill. Adm. Code 130.50

1) Rulemaking:

A) Description: Prohibits and provides sanctions when a licensee charges a lower fee than allowed by the fee schedule filed with the Director.

B) Statutory Authority: (205 ILCS 405/19)

C) Scheduled meeting/hearing dates: Not yet scheduled.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The Department of Commerce and Community Affairs has not made a determination, but will affect agency licensees under the Act.

F) Agency contact person for information:

M. Rose Kelly  
Chief Counsel  
Illinois Department of Financial Institutions  
100 W Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Illinois Credit Union Act, 38 Ill. Adm. Code 190.70

1) Rulemaking:

A) Description: Amends loan loss accounting procedures to bring such procedures into conformity with the National Credit Union Administration.

B) Statutory Authority: (205 ILCS 305/65)

C) Scheduled meeting/hearing dates: Not yet scheduled.

## ILLINOIS DEPARTMENT OF FINANCIAL INSTITUTIONS

## JANUARY 1998 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Not yet determined.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rule will affect all credit unions because of the change in loan loss accounting procedures.
- F) Agency contact person for information:  
 M. Rose Kelly  
 Chief Counsel  
 Illinois Department of Financial Institutions  
 100 W Randolph, 15-700  
 Chicago, IL 60601  
 (312) 814-2008
- G) Related rulemakings and other pertinent information: None

## HEALTH FACILITIES PLANNING BOARD

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Narrative & Planning Policies; 77 Ill. Adm. Code 1100
- 1) Rulemaking:
- A) Description: Part 1100 will be amended to revise certificate of need criteria, concerning but not limited to Magnetic Resonance Imaging (MRI), Extracorporeal Shockwave Lithotripsy, Therapeutic Radiology and End Stage Renal Disease. The Health Facilities Planning Board will examine these areas to make revisions or possibly eliminate a category of service subject to review.
- B) Statutory Authority: Health Facilities Planning Act, (20 ILCS 3960)
- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.
- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the State Board prior to *Illinois Register* publication. An April 1998 first notice publication is anticipated.
- E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1100 are not anticipated to have an adverse impact upon health care facilities.
- F) Agency contact person for information:  
 Donald Jones  
 Health Facilities Planning Board  
 Division of Facilities Development  
 525 West Jefferson, 2nd Floor  
 Springfield, IL 62761  
 217-782-3516
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Processing, Classification Policies and Review Criteria; 77 Ill. Adm. Code 1110
- 1) Rulemaking:
- A) Description: Part 1110 will be amended to revise certificate of need criteria, concerning but not limited to Magnetic Resonance Imaging (MRI), Extracorporeal Shockwave Lithotripsy, Therapeutic Radiology and End Stage Renal Disease. The Health Facilities



## HEALTH FACILITIES PLANNING BOARD

## JANUARY 1998 REGULATORY AGENDA

Planning Board will examine these areas to make revisions or possibly eliminate a category of service subject to review.

B) Statutory Authority: Health Facilities Planning Act, (20 ILCS 3960)

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the State Board prior to *Illinois Register* publication. An April 1998 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1110 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, 2nd Floor  
Springfield, IL 62761  
217-782-3516

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization; 2 Ill. Adm. Code 1925

1) Rulemaking:

A) Description: Part 1925 will be amended to revise rules concerning but not limited to Rulemaking Procedures, Petition for Adoption of Rules, and Organizational Composition of the State Board.

B) Statutory Authority: Health Facilities Planning Act, (20 ILCS 3960)

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Proposed amendments must be approved by the Board prior to *Illinois Register* publication. An

## HEALTH FACILITIES PLANNING BOARD

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April 1998 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1925 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, Second Floor  
Springfield, IL 62761  
217-782-3516

G) Related rulemakings and other pertinent information: None

## POLLUTION CONTROL BOARD

## JANUARY 1998 REGULATORY AGENDA

a) Parts (Headings and Code Citations):

General Rules (35 Ill. Adm. Code 101)  
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)  
Enforcement Proceedings (35 Ill. Adm. Code 103)  
Variances (35 Ill. Adm. Code 104)  
Permits (35 Ill. Adm. Code 105)  
Hearings Pursuant to Specific Rules (35 Ill. Adm. Code 106)  
Identification and Protection of Trade Secrets (35 Ill. Adm. Code 120)

1) Rulemaking: Docket number R97-8

A) Description: 35 Ill. Adm. Code: Subtitle A (Parts 101 through 120) contains the procedural rules of the Pollution Control Board (Board). After an extensive review of these rules, the Board, on October 3, 1996, adopted a proposal for public comment and hearing, rather than a proposal for First Notice publication in the *Illinois Register*. That proposal suggested certain changes to update and streamline the Board's procedural rules. The prospective revisions are intended to repeal and replace the Board's existing procedural rules. (Notice of this rulemaking was listed in prior regulatory agendas under docket R95-1, which the Board closed and replaced with docket R97-8.)

B) Statutory Authority: Sections 26 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/26 & 28].

C) Scheduled meeting/hearing dates: The Board originally established a period through December 15, 1996 to allow interested persons to comment on the prospective changes to the Board's procedural rules. On December 10, 1996, the Board extended the public comment period to January 10, 1997. The Board has not scheduled any public hearings in this matter to date.

D) Date agency anticipates First Notice: The Board may cause First Notice publication of Notices of Proposed Amendments in the Spring or Summer of 1998.

E) Affect on small business, small municipalities or not for profit corporation: There may be an effect on any small business, small municipality, or not for profit corporation which appears before the Board in any type of proceeding. These proceedings include rulemakings; enforcement actions; variances, adjusted standards and site-specific rule requests; permit appeals; review of local government decisions concerning siting of pollution control facilities; and any other actions provided for in the Environmental Protection Act.

## POLLUTION CONTROL BOARD

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F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-8, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-8, as follows:

Cynthia I. Ervin  
Pollution Control Board  
600 South Second Street  
Suite 402  
Springfield, IL 62704  
217-524-8509  
Internet: cervin@pcb084r1.state.il.us

G) Related rulemakings and other pertinent information: Another rulemaking, R97-16 (see item (b) below), may affect Part 101, and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 101 through 106 and 120.

If review of existing procedural rules warrants it, the Board may open additional parts within 35 Ill. Adm. Code: Subtitle A.

b) Parts (Headings and Code Citations):

General Rules (35 Ill. Adm. Code 101)  
Proportionate Share Liability (35 Ill. Adm. Code 110)

1) Rulemaking: Docket Number R97-16

A) Description: Public Act 89-443, effective July 1, 1996, added Section 58.9 to Title XVII of the Environmental Protection Act [415 ILCS 5/58.9]. This Section repealed the concept of joint and several liability in environmental actions and replaced it with the concept of proportionate share liability. Specifically, Section 58.9 established that liability for costs of remedial action due to release of "regulated substances" (i.e., pollutants) was limited to a person's "proportionate share" of liability where two or more persons caused or contributed to a release. Section 58.9(d) required the Board to adopt "rules and procedures" for

## POLLUTION CONTROL BOARD

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determining the proportionate share on or before December 31, 1997. On December 5, 1996, the Board opened a docket to solicit public comments on this matter to assist the Board in the promulgation of rules to implement section 58.9.

Public Act 90-484, effective August 17, 1997, subsequently amended Section 58.9 to extend the deadline by which the Board must adopt final rules to implement Section 58.9 to January 1, 1999. Following a pre-hearing conference to determine the status of work on proposals, the Board extended the deadline for filing initial public comments and/or proposals with Board regarding proportionate share liability rules until February 2, 1998.

B) Statutory Authority: Sections 27, 28, and 58.9 of the Illinois Environmental Protection Act [415 ILCS 5/27, 28 & 58.9].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is completed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board may cause First Notice publication of a Notice of Proposed Rules and Notice of Proposed Amendments in the Spring or Summer of 1998.

E) Affect on small business, small municipalities or not for profit corporations: These rules may affect any small business, small municipality or not-for-profit corporation that has caused or contributed to a release requiring remedial action.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Cynthia Ervin, Attorney  
Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, IL 62704  
217-524-8509  
Internet: cervin@pcb084r1.state.il.us

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G) Related Rulemakings and other pertinent information: Another rulemaking, R97-8 (see item (a) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 101. Other, as yet unknown, Board proceedings could potentially impact the general provisions of Part 110.

c) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)  
Emissions from Municipal Solid Waste Landfills (35 Ill. Adm. Code 220)

1) Rulemaking: No docket presently reserved.

A) Description: Illinois must address the recently adopted federal guidelines for existing Municipal Solid Waste Landfills (MSWLFs). Under Section 111 of the Federal Clean Air Act, states must submit a plan to the Administrator of the U.S. Environmental Protection Agency (USEPA) to implement and enforce these guidelines. The Illinois Environmental Protection Agency (IEPA) is developing rules for filing with the Board to meet these federal requirements. The regulations would provide for the control of nonmethane organic compounds (NMOC), of which volatile organic material (VOM) is a component, by requiring the collection and control of landfill gas by MSWLFs that accepted waste after 1987 or that have additional capacity. The MSWLFs that have been modified or constructed after May 30, 1991, are subject to federal requirements and should not be affected by this proposal.

B) Statutory Authority: Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding in Spring 1998, after which time the Board would cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates an existing municipal solid waste landfill.



## POLLUTION CONTROL BOARD

## JANUARY 1998 REGULATORY AGENDA

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

G) Other pertinent information concerning these amendments: Other prospective rulemakings (see items (d) and (e) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 201. Other, as yet unknown, unrelated Board proceedings could potentially impact the new provisions of Part 220.

The IEPA will schedule meetings with affected sources before a proposal is filed with the Board. If you have any questions concerning the federal guidelines, please contact:

Rachel L. Doctors  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

d) (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)  
Stack Test Averaging (35 Ill. Adm. Code 221)

1) Rulemaking: No docket presently reserved.

A) Description: Illinois does not have an officially established testing requirement for any emissions source which is subject to State testing requirements and which is not subject to the New Source Performance Standards set forth in Section 111 of the Clean

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Air Act, 42 U.S.C. Section 7401, et seq. The Illinois Environmental Protection Agency (IEPA) is developing regulations for filing with the Board which would use the arithmetic mean of three emission test runs, for those sources where the use of such averaging is appropriate, to determine that source's compliance with applicable standards and/or numerical limitations.

B) Statutory Authority: Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceedings in late Spring 1998, after which time the Board would cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporations that either owns or operates any emission source which is not subject to the New Source Performance Standards set forth in Section 111 of the Clean Air Act, 42 U.S.C. Section 7401 et seq., but which is enforceable by the IEPA under the laws and regulations of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

G) Other pertinent information concerning these amendments: Other

## POLLUTION CONTROL BOARD

## JANUARY 1998 REGULATORY AGENDA

prospective rulemakings (see items (c) above and (e) below), and other as yet unknown and unrelated Board proceedings, could potentially impact the provisions of Part 201. Other, as yet unknown, unrelated Board proceedings could potentially impact the new provisions of Part 221.

The IEPA will schedule meetings with affected sources before a proposal is filed with the Board. If you have any questions concerning this *Illinois Register* notice, please contact:

Evan J. McGinley  
Illinois Environmental Protection Agency  
1340 N. Ninth Street  
P.O. Box 62794-9276  
Springfield, IL 62794-9276  
217-524-3974  
Internet: epa2413@epa.state.il.us

e) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)  
Emissions from Medical Waste Incinerators (35 Ill. Adm. Code 230)

1) Rulemaking: No docket presently reserved.

A) Description: Illinois will be required by federal law to address emissions from medical waste incinerators. U.S. Environmental Protection Agency (USEPA) promulgated federal guidelines for existing medical waste incinerators in September 1998 to implement Sections 111(d) and 129 of the federal Clean Air Act (CAA). Under the CAA Section 129, states must submit a plan to the Administrator of USEPA to implement and enforce these guidelines within one year after the guidelines are promulgated. The Illinois Environmental Protection Agency (IEPA) will assemble a rulemaking proposal for filing with the Board based on its review of the prospective federal requirements.

B) Statutory Authority: Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled Meetings/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: An IEPA submittal of a

## POLLUTION CONTROL BOARD

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proposal to the Board will commence this proceeding and is expected to be filed in early 1999, after which time the Board would cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small businesses, small municipalities or not-for-profit corporations that own or operate existing medical waste incinerators.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

## Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb084rl.state.il.us

G) Other pertinent information concerning these amendments: Other prospective rulemakings (see items (c) and (d) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 201. Other, as yet unknown, unrelated Board proceedings could potentially impact the new provisions of Part 230.

For information regarding the IEPA's development of this proposal, please contact:

Evan McGinley  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

f) Part (Heading and Code Citation):

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## Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R98-17

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM), presently codified as 35 Ill. Adm. Code 211.7150, to reflect the U.S. Environmental Protection Agency (USEPA) additions to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the State implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM as 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

The Board has reserved docket number R98-17 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 1997, through December 31, 1997. Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. At this time, the Board is aware of only one federal amendment to the federal definition of VOM. On August 25, 1997, USEPA added 16 compounds to the list of those exempted from the definition of VOM. The Board will have to correspondingly amend the Illinois definition of VOM. The Board will verify the possibility of further federal amendments in coming weeks. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure.

- B) Statutory Authority: Sections 9.1(e) and 27 of the Environmental Protection Act [415 ILCS 5/9.1(e) & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (CAA) for amendment of the Illinois ozone SIP.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the

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Illinois Register if any federal amendments have occurred. Section 9.1(e) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date is August 25, 1997, so the deadline for final adoption of any amendments would be August 25, 1998. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect any small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the list of exempted compounds.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-17, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-17, as follows:

Amy M. Muran-Felton, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-7011  
Internet: amuranfe@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: Another prospective rulemaking (see item (g) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211.

Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In this instance, that date is August 25, 1997, so the deadline for final adoption of any amendments would be August 25, 1998. As stated above, the Board



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will commence this proceeding as promptly as is possible consistent with other deadline matters and as resources allow, with a goal of concluding it prior to its due date.

Section 9.1(e) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

g) Part (Heading and Code Citation):

Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently developing amendments for proposal to the Board according to the requirements of Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5]. This prospective rulemaking may include a number of matters relating to the emission of volatile organic material:

- 1) It may include definitions as necessary to supplement any rule for architectural and industrial maintenance coatings if these measures are not done nationally by the U.S. Environmental Protection Agency (USEPA), as these measures are part of Illinois' 15% ROP Plan, required by federal law.
- 2) It may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial wastewater treatment facilities that was initially to be addressed by a new USEPA Control Technique Guideline (CTG). This control measure is part of Illinois' ROP Plan, required by federal law.
- 3) It may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial clean-up solvents that were initially to be addressed by a new USEPA CTG. This control measure is part of Illinois' 15% ROP Plan, required by federal law.

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- 4) It may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 215: Organic Material and Emission Standards and Limitations, to make this Part consistent with the nonsubstantive revisions to 35 Ill. Adm. Code 218 and 219.

The 15% ROP Plan and 9% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the federal Clean Air Act (CAA), as amended in 1990.

- B) Statutory Authority: Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].

- C) Scheduled meeting/hearing dates: No hearings on amendments necessary to address revisions to Part 211 have been scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5] for rules promulgated pursuant to this fast-track provision. Hearings on non-Section 28.5 rulemakings will proceed according to the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An early Spring 1998 IEPA submittal to the Board is expected on amendments necessary to address revisions to Part 211, after which the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Affect on small business, small municipalities or not for profit corporation: This rulemaking will address definitions, and are not expected in themselves to have a substantive impact on sources affected by Illinois' air pollution regulations.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

## POLLUTION CONTROL BOARD

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312-814-6929

Internet: [kercowley@pcb084rl.state.il.us](mailto:kercowley@pcb084rl.state.il.us)

- G) Other pertinent information concerning these amendments: The reserved identical-in-substance definition of VOM update docket, R98-1 (see item (f) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211.

With respect to amendments necessary to address revisions to Part 211, the IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

h) Parts (Headings and Code Citations):

Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)

1) Rulemaking: Docket number R98-15

- A) Description: This rulemaking would amend three Subparts of 35 Ill. Adm. Code 215 in various ways: amendments to Subpart A, General Provisions, would delete definitions that are already contained in Part 211; amendments to Subpart F, coating operations, would delete requirements for nonattainment counties, propose a de-minimus coating usage exemption, propose a touch-up and repair exemption as well as adding the associated recordkeeping and reporting requirements required to support the touch-up and repair exemption, and repeal site-specific regulatory requirements applicable to the Roadmaster Corporation facility in Olney, Illinois; and amendments to Subpart Z would repeal regulatory requirements for perchloroethylene dry cleaners. The rulemaking would also standardize consistent usage of the terms "source" and "emission unit" throughout the affected Subparts and correct typographical errors in the existing text of the rules.

- B) Statutory Authority: Sections 27 and 28.2 of the Environmental Protection Act [415 ILCS 5/27 & 28.2].

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- C) Scheduled meeting/hearing dates: Two hearings were conducted on December 18 and 22, 1997, in Chicago and Springfield, in accordance with the requirements of Sections 27, 28, and 28.2 of the Environmental Protection Act [415 ILCS 5/27, 28 & 28.2].

- D) Date Agency Anticipates First Notice: The Board will probably cause a Notice of Proposed Amendments to appear in a February 1998 issue of the *Illinois Register*.

- E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations that own or operate coating operations in the affected areas of the State.

- F) Agency contact person for information: Address written comments concerning the substance of the R98-15 rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

- Address questions concerning the R98-15 rulemaking as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: [mmccambridge@pcb084rl.state.il.us](mailto:mmccambridge@pcb084rl.state.il.us)

- G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 215.

i) Part (Heading and Code Citation):

Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently developing amendments for proposal to the Board according to the requirements of Sections 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/27, 28.2 & 28.5], which may be proposed as more than one rulemaking as necessary to

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address any U.S. Environmental Protection Agency (USEPA) conditional approval items on rules promulgated pursuant to Illinois' 15% ROP Plan, or otherwise required under the federal Clean Air Act (CAA), as amended in 1990. The 15% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the CAA.

- 1) There may be one or more rulemakings to amend existing air pollution control rules for lithographic printing operations to clean up the existing language. These rulemakings are intended to make this part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to the 15% ROP Plan rulemakings.
  - 2) One of these rulemakings may include "a rule to amend existing air pollution control rules" for volatile organic liquid storage tank.
  - 3) One of these rulemakings may include regulations to address emissions of VOCs from companies that specialize in solvent collection and recycling.
  - 4) One of these rulemakings may include "a rule to amend existing air pollution control rules" for perchlorethylene dry cleaners since perchlorethylene was delisted as a VOM by USEPA.
  - 5) There may also be one or more rulemakings to amend existing air pollution control rules for capture efficiency testing. These rulemakings are intended to make this Part consistent with USEPA's final rule on the revised capture efficiency test methods which is expected to be published in early 1997.
  - 6) There may be one or more rulemakings to correct minor or nonsubstantive errors in previous 15% ROP Plan rulemakings, including incorporations by reference, batch operations, afterburner operation, air oxidation reactors and vapor collection and control systems, and the generic subparts.
- B) Statutory Authority: Sections 10, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 & 28.5].
- C) Scheduled meeting/hearing dates: No hearings are scheduled at this time for proposals not yet submitted. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 for those rulemakings required under the federal CAA.
- D) Date Agency anticipates First Notice: A late Spring 1998 IEPA

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submittal to the Board for one or more of the proposals is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Affect on small business, small municipalities or not for profit corporation: If rules regulating VOM emissions from companies specializing in solvent collection and recycling are included in one of these proposals, it would only affect relatively large entities that specialize in solvent collection and recycling.

All other proposals should have no new substantive impact on sources, since they will be merely clean-up proposals.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb084r1.state.il.us

- G) Other pertinent information concerning these amendments: Another prospective rulemaking docketed as R98-16 (see item (j) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 218.

There have been a number of amendments to Parts 218 during the past two years. This rulemaking may also clean-up some limited portions of the recently completed rules. Any rules addressing companies that specialize in solvent collection and recycling will not occur until the IEPA has met with potentially affected sources to discuss any proposed rules. The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack  
Illinois Environmental Protection Agency



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2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 219, Organic Material Emission Standards and Limitations for Metro-East Area.

- j) Part (Heading and Code Citation): Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

1) Rulemaking: Docket number R98-16

A) Description: W.R. Grace & Co. - Connecticut (Grace) filed a rulemaking petition with the Board on November 19, 1997. The petition, docketed as R98-16, would have the Board add a new Section to the air pollution control regulations establishing a site-specific rule excluding Grace from the generally-applicable volatile organic material emissions control requirements of 35 Ill. Adm. Code 218.Subpart QQ.

B) Statutory Authority: These rules will be proposed according to the requirements of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: A public hearing on the proposal is scheduled in the affected area of the State, as follows:

1:00 p.m., January 8, 1998  
James R. Thompson Center  
100 W. Randolph St., Room 9-031  
Chicago, Illinois

The public may contact hearing officer John C. Knittle, at the address below, to be added to the R98-16 Notice List, which will insure notice of scheduling of any further hearings in this matter. This hearing was scheduled according to the requirements of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board adopted a First Notice opinion and order in this matter on December 18, 1997. A Notice of Proposed Amendments should appear in a January 1998 issue of the *Illinois Register*.

E) Affect on small business, small municipalities or not for profit

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corporations: It is presently anticipated that no small businesses, small municipalities, or not-for-profit corporations will be effected by this site-specific rule, which would only apply to the subject W.R. Grace facility.

F) Agency contact person for information: Address written comments concerning the substance of this rulemaking, noting docket number R98-16, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-16, as follows:

John C. Knittle, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-3473

Internet: jknittle@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: Other prospective rulemakings (see item (i) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 218.

k) Part (Heading and Code Citation): Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently developing amendments for proposal to the Board according to the schedule and requirements of Sections 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/27, 28.2 & 28.5], which may be proposed as more than one rulemaking as necessary to address any U.S. Environmental Protection Agency (USEPA) conditional approval items on rules promulgated pursuant to Illinois' 15<sup>th</sup> ROP Plan, or otherwise required under the federal Clean Air Act (CAA), as amended in 1990. The 15<sup>th</sup> ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the CAA.

1) There may be one or more rulemakings to amend existing air

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pollution control rules for lithographic printing operations to clean up the existing language. These rulemakings are intended to make this part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to the 15% ROP Plan rulemakings.

- 2) One of these rulemakings may include "a rule to amend existing air pollution control rules" for volatile organic liquid storage tank.
- 3) One of these rulemakings may include regulations to address emissions of VOCs from companies that specialize in solvent collection and recycling.
- 4) One of these rulemakings may include "a rule to amend existing air pollution control rules" for perchlorethylene dry cleaners since perchlorethylene was delisted as a VOM by USEPA.
- 5) There may also be one or more rulemakings to amend existing air pollution control rules for capture efficiency testing. These rulemakings are intended to make this Part consistent with USEPA's final rule on the revised capture efficiency test methods which was published in June, 1997.
- 6) There may be one or more rulemakings to correct minor or nonsubstantive errors in previous 15% ROP Plan rulemakings, including incorporations by reference, batch operations, afterburner operation, air oxidation reactors and vapor collection and control systems, and the generic subparts.

B) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 & 28.5].

C) Scheduled meeting/hearing dates: No hearings are scheduled at this time for proposals not yet submitted. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 for those rulemakings required under the federal CAA.

D) Date Agency anticipates First Notice: A early Spring 1998 IEPA submittal to the Board for one or more of the proposals is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small business, small municipalities or not for profit corporation: If rules regulating VOM emissions from companies specializing in solvent collection and recycling are included in

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one of these proposals, it would only affect relatively large entities that specialize in solvent collection and recycling.

All other proposals should have no new substantive impact on sources, since they will be merely clean-up proposals.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 219.

There have been a number of amendments to Parts 219 during the past two years. This rulemaking may also clean-up some limited portions of the recently completed rules.

Any rules addressing companies that specialize in solvent collection and recycling will not occur until the IEPA has met with potentially affected sources to discuss any proposed rules. The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel Kroack  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 218, Organic Material Emission Standards and Limitations for the Chicago Area.

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1) Part (Heading and Code Citation): Mobile Sources (35 Ill. Adm. Code 240)1) Rulemaking: Docket number R98-21

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently developing amendments to the vehicle inspection and maintenance regulations for proposal to the Board pursuant to Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and the Section 28.5 "fast-track" provision of the Environmental Protection Act [415 ILCS 5/28.5]. This rulemaking would substitute the current Section 240.171 evaporative system integrity (pressure) test with one or more quicker, non-intrusive "fuel cap only" pressure tests. These amendments would enable each test to be performed in much less time on most vehicles and would also greatly reduce the possibility of vehicle damage. The amendments would result in lowered cost to the State and greater motorist convenience.

B) Statutory Authority: Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established in Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5]. The Board presently anticipates receiving the proposal and scheduling at least one public hearing in Spring 1998.

D) Date Agency Anticipates First Notice: A Notice of Proposed Amendments will appear in the *Illinois Register* after this proceeding commences. An IEPA submittal of the proposal to the Board will commence this proceeding and is expected in January 1998.

E) Affect on small business, small municipalities or not-for-profit corporations: The Board presently anticipates that this proceeding may affect small businesses, small municipalities, and non-for-profit corporations to the extent they own or operate motor vehicles that would be subject to the amended regulations. The Board presently anticipates that the affect would be positive, since the amendments would use less time-consuming and less intrusive procedures than those presently required.

F) Agency contact person for information: Address written comment concerning the substance of the rulemaking as follows:

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Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Amy M. Muran-Felton, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-7011  
Internet: amuranfe@pcb084rl.state.il.us

G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 240.

For further information from the IEPA, contact:

Christopher Demeroukas, Attorney  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

m) Parts (Headings and Code Citations): Vehicle Scrappage (35 Ill. Adm. Code 247)

1) Rulemaking: Docket number R98-25

A) Description: The prospective amendments would augment the Emissions Reduction Market System in the Chicago non-attainment area, defining creditable emissions reductions through a vehicle scrappage program. Provides requirements for sponsoring entities to augment allocation of allotted trading units through the purchase and scrappage of older high emissions emitting vehicles.

B) Statutory Authority: Section 13B-30(e) of the Vehicle Emissions Inspection law of 1995 [625 ILCS 5/13B-30(e)] and sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct at least two public hearings in affected areas of the



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State, as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated in Spring 1998, after which time the Board would cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation if these entities elected to participate in the vehicle scrappage program.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Marie E. Tipsord, Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-4925 or 618-498-9803  
Internet: mtipsord@pcb084r1.state.il.us

G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 242.

The IEPA will schedule meetings with affected sources before a proposal is filed with the Board. If you have any questions concerning the federal guidelines, please contact:

Christopher Demeroukas  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

n) Part (Heading and Code Citation): Effluent Standards (35 Ill. Adm. Code

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304)

1) Rulemaking: Docket number R98-14

A) Description: PDV Midwest Refining, L.L.C. (PDV) filed a rulemaking petition with the Board on October 17, 1997. The petition, docketed as R98-14, would have the Board amend and renew the site specific rule pertaining to water discharge from the refinery located near Lemont, Illinois.

B) Statutory Authority: These rules would be proposed according to the requirements established of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: None have been scheduled at this time. The public may contact hearing officer, John C. Knittle, at the address below, to be added to the R98-14 Notice List, which will insure notice of scheduling of any hearings in this matter. The Board will schedule at least one public hearing in the affected area of the State as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board anticipates that adoption of a First Notice Opinion and order would occur after a public hearing on the proposal. The hearing is not yet scheduled, but is tentatively planned for the Winter of 1998.

E) Affect on small business, small municipalities or not for profit corporations: It is presently anticipated that no small businesses, small municipalities, or not-for-profit corporations would be directly effected by this site-specific rule, which would apply only to PDV's facility.

F) Agency contact person for information: Address written comments concerning the substance of this rulemaking, noting docket number R98-14, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-14, as follows:

John C. Knittle, Attorney  
Pollution Control Board

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100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
Internet: jknittle@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: Another prospective rulemaking (see item (o) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 304.

o) Part (Heading and Code Citation): Effluent Standards (35 Ill. Adm. Code 304)

- 1) Rulemaking: No Docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is presently developing a rulemaking proposal for filing before the Board that would amend Section 304.222 to allow the acute water quality standard for total residual chlorine (TRC) to be inapplicable to intermittent discharges.

B) Statutory Authority: No meetings are scheduled at this time. Once the proposal is filed, presently anticipated in March of 1998, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: None have been scheduled at this time. Once the IEPA files its rulemaking proposal before the Board, the Board will schedule at least two public hearings in affected areas of the State as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board anticipates that adoption of a First Notice opinion and order would occur after a public hearing on the proposal. The hearing is not yet scheduled, but is tentatively planned for March of 1998.

E) Affect on small business, small municipalities or not for profit corporations: The prospective amendments may affect small business, small municipalities or not for profit corporations to the extent that they own or operate a facility that engages in an intermittent discharge that contains TRC.

F) Agency contact person for information: Address written comments concerning the substance of this prospective rulemaking as follows:

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Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: Another prospective rulemaking (see item (n) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 304.

p) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)  
Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R98-23

A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect the U.S. Environmental Protection Agency (USEPA) wastewater pretreatment rules.

The Board has reserved docket number R98-23 to accommodate any amendments to the 40 CFR 300 through 499 that the United States Environmental Protection Agency (USEPA) may have made in the period July 1, 1997 through December 31, 1997 relating to wastewater pretreatment. At this time, the Board is aware that USEPA modified the procedures for modification of approved pretreatment programs on July 17, 1997 (62 Fed. Reg. 38405), which may require corresponding amendments to the Illinois wastewater pretreatment regulations. The Board has not yet verified whether any federal actions have occurred that will require further amendments to the Illinois wastewater pretreatment regulations. The Board will do so in coming weeks by about mid-February. If the examination of the July 17, 1997, amendments and verification of other possible actions in the time-frame of this docket

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indicate that no amendments requiring amendments to the Illinois rules are necessary, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical-in-substance procedure.

B) Statutory Authority: Sections 13, 13.3, and 27 of the Environmental Protection Act (415 ILCS 5/13, 13.3 & 27).

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 13.3 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, if that date is assumed to be July 17, 1997, the deadline for final adoption of any amendments would be July 17, 1998. The Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-23, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-23, as follows:

## POLLUTION CONTROL BOARD

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Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: Another prospective rulemaking (see item (q) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 310. No known proceeding would impact the general provisions of Part 307.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCPR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

q) Part(s) (Heading and Code Citation): Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: No Docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is presently developing a rulemaking proposal for filing with the Board that would amend the Pretreatment Program removal credit regulations to incorporate provisions for the federal sludge management rules published by the United States Environmental Protection Agency (USEPA) on February 19, 1993 (58 Fed. Reg. 9248) in preparation for the State's application for delegation of the federal pretreatment and sludge management programs.

B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing date: No meetings are scheduled at this time. Once the proposal is filed, presently anticipated in the Spring or Summer of 1998, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: IEPA submittal of a



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proposal to the Board will commence this proceeding and in expected to be filed in Spring or Summer of 1998, after which time the Board would cause a Notice of Proposed Rules to appear in the *Illinois Register*.

- E) Affect on Small Businesses, small municipalities or not for profit corporations: The amendments may affect any small businesses, small municipalities and not for profit corporations that discharge or receive for treatment industrial waste water.

- F) Affect on other persons: The information address written comments concerning the substance of the rulemaking as follows:

Received by: County Clerk

Regulation Control Board

100 W. Randolph Street, Suite 11 500

Chicago, IL 60601

412-814-6941

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney

Regulation Control Board

100 W. Randolph Street, Suite 11 500

Chicago, IL 60601

312-814-6929

Internet: [regboard@pds.state.il.us](mailto:regboard@pds.state.il.us)

- G) Related rulemaking and other pertinent information: In addition to the noted amendments to the pretreatment program, the IDPA and legislation amending its Design Criteria for Sludge Application on Land (35 Ill. Adm. Code 391) to incorporate amendments in 40 CFR 504.

Another proposed rule information, 1998-21 (see item (c) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 310.

For information regarding the IDPA's development of this proposal, please contact:

Tom McGeehan

Illinois Environmental Protection Agency

2200 Churchill Road

P.O. Box 19774

Springfield, IL 62794-9276

217/241-0610

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- A) Part A (Headings and Code Classification):

General Provisions (35 Ill. Adm. Code 501)

Part B (35 Ill. Adm. Code 502)

Other Agricultural and Silvicultural Activities (35 Ill. Adm. Code 503)

Implementation Program (35 Ill. Adm. Code 504)

- B) General Information: (See Section 504)

- A) Effect on other persons: The Livestock Management Regulations, Act (35 Ill. Adm. Code 504), effective May 21, 1996, set forth an outline for the proper design, construction, operation, and management of livestock management facilities and associated systems handling structures. The Livestock Act also directed that the Board adopt rules for the implementation of the Livestock Act within six months after the Department of Agriculture adopted proposed rules with the Board. On May 15, 1997, the Board adopted such rules for implementation by the Department of Agriculture. In adopting such rules for second notice, the Board noted that it already had regulations specific to livestock waste management facilities and that any inconsistency between these two sets of rules should be reconciled. Accordingly, the Board opened this rulemaking on September 4, 1997, to identify and reconcile any inconsistencies between the Board regulations adopted to implement the Livestock Act and previously existing regulations concerning agricultural-related pollution adopted by the Board (35 Ill. Adm. Code 501 through 504).

- B) Statutory Authority: Section 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28]. On September 4, 1997, the Board established that interested parties could file initial public comments and on proposals with the Board until October 10, 1997.

- D) Date agency and/or parties must act: The Board may cause First Notice publication of a Notice of Proposed Rules and Notice of Proposed Amendments in the *Illinois Register* in the Spring or Summer of 1998, after which time the Board would cause a Notice of Proposed Rules to appear in the *Illinois Register*.

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments may affect small businesses, small municipalities or not-for-profit corporations to the extent that

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they own or operate a livestock management facility or associated waste handling structures.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-11, as follows:

Cynthia Ervin, Attorney  
Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, IL 62704  
217-524-8509  
Internet: cervin@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: No other known proceeding would impact the general provisions of Parts 501 through 504, although pending legislation to amend the Livestock Act (H.B. 1547) could potentially impact these provisions.

- S) Part (Heading and Code Citation): Livestock Waste Regulations (35 Ill. Adm. Code 506)

- 1) Rulemaking: Docket number R97-15(B)

- A) Description: This rule will ultimately set forth the level of surety required of owners of new or modified lagoons registered under the provisions of the Livestock Management Facilities Act, 510 ILCS 77/1 et seq. Proposed rules have not yet been received by the Board.

- B) Statutory Authority: Section 55 of the Livestock Management Facilities Act, 510 ILCS 77/55.

- C) Scheduled Meeting/Hearing Dates: Hearings have not yet been scheduled. At least two public hearings will be scheduled after proposed rules are received.

- D) Date Agency Anticipates First Notice: The Board anticipates

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publication of its First Notice proposal in the *Illinois Register* in August 1998.

- E) Effect on Small Business, Small Municipalities, or Not-for Profit Corporations: Inasmuch as this rulemaking will affect only owners of new or modified lagoons registered under the Livestock Management Facilities Act, i.e., farmers, any effect on small business, small municipalities or not-for-profit corporations would be indirect and minimal.

- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking, noting docket number 97-15(B), as follows:

Dorothy Gunn  
Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number 97-15(B), as follows:

Charles A. King, Attorney  
Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601  
312-814-6926  
Internet: cking@pcb084rl.state.il.us

- G) Related Rulemakings and Other Pertinent Information: Other rules implementing the Livestock Management Facilities Act were adopted by the Board on May 15, 1997, under docket number 97-15(A). On June 20, a petition for review of the Board's May 15 order was filed with the Illinois Appellate Court (Fifth District). This appeal could impact this rulemaking.

No other known proceeding would impact the general provisions of Part 506.

- t) Parts (Headings and Code Citations): LABORATORY ACCREDITATION RULES (35 Ill. Adm. Code 611)

- 1) Rulemaking: R97-30

- A) Description: On June 19, 1997, the Board accepted a proposal filed June 2, 1997 by the Illinois Environmental Protection Agency

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(IEPA). The IEPA proposal seeks to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules proposed as 35 Ill. Adm. Code 186. A Notice of Proposed Rules for the IEPA Part 186 lab accreditation rule was published in the *Illinois Register* on June 13, 1997 (21 Ill. Reg. 6979). These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 that would cross-reference the Illinois Environmental Protection Agency's (IEPA's) newly proposed laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of these regulations references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety, repealed. The proposed IEPA accreditation program will enable laboratories within the State of Illinois to participate in a nationwide environmental laboratory accreditation program that will simplify the accreditation requirements for laboratories throughout the nation.

B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. The Board rulemaking is being held in abeyance until the IEPA completes its adoption of 35 Ill. Adm. Code 186. Once finalized, the Board will conduct at least two public hearings in separate areas of the State on the prospective amendments to Part 611 in accordance with the requirements of Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: Board proceedings were stayed pending IEPA completion of its rulemaking to adopt 35 Ill. Adm. Code 186, expected to occur in the Winter of 1998. When the Board adopts a First Notice opinion and order in this matter, it will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the

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program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-30, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-30, rulemaking as follows:

John C. Knittle, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-3473  
Internet: jknittle@pcb084r1.state.il.us

G) Other pertinent information concerning these amendments: The presently-reserved routine identical-in-substance update docket, R98-18 (see item (u) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Part 611.

u) Part(s) (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R98-18

A) Description: Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5 (1994)] mandates that the Board update the Illinois Safe Drinking Water Act (SDWA) regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R98-18 to accommodate any amendments to the 40 CFR 141, 142, and 143 SDWA primary drinking water regulations that USEPA may make in the period July 1, 1997, through December 31, 1997. At this time, the Board has not yet



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verified whether any federal actions have occurred that will require amendments to the Illinois SDWA regulations. The Board will do so in coming weeks, by February, 1998. If that verification indicates that no amendments requiring amendments are necessary, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the SDWA regulations using the identical-in-substance procedure.

- B) Statutory Authority: Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1998, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 17.5 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, if that date is assumed to be July 1, 1997, the deadline for final adoption of any amendments would be July 1, 1998. The Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-18, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board

## POLLUTION CONTROL BOARD

## JANUARY 1998 REGULATORY AGENDA

100 West Randolph Street Suite 11-500  
Chicago, IL 60601  
312-314-6531

Address questions concerning this regulatory agenda, noting docket number R98-18, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: Reserved rulemaking, R97-30 (see item (t) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the enacted provision on of Part 611.

Section 17.5 of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- V) Part(s) (Naming and Code Citation): Regulated Recharge Areas (35 Ill. Adm. Code 617).

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would establish a regulated recharge area for the Pleasant Valley Public Water District. This new Subpart would prescribe the requirements and standards for the protection of the Pleasant Valley Public Water District for certain types of existing or new potential sources or routes of groundwater contamination located wholly or partially within the regulated recharge area boundary delineated in the amendments.

- B) Statutory Authority: Implementing and authorized by Sections 17.4 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/17.4 & 5/27].

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C) Scheduled meeting/hearing dates: In preparing the proposal, the IEPA has held a public hearing pursuant to 35 Ill. Adm. Code 614 on the proposal for a regulated recharge area on January 26, 1995. Public comments on the proposal were received. On June 7, 1996, a workshop was held on the proposal. The IEPA has not set dates for further meetings. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by August 30, 1997. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments to the First Notice.

E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses, small municipalities or not for profit corporations that engage in certain activities in the affected area may be affected by contingency planning requirements that would be part of the amendments, and they may have constraints upon expansion of activities that are hazardous to the environment protected by the regulated recharge area.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Board by email: [clark@iepa.state.il.us](mailto:clark@iepa.state.il.us)  
 Regulation contact board  
 100 W. Randolph Street, Suite 11-500  
 Chicago, IL 60601  
 Tel: 312.664.6644

Address questions concerning this regulatory agenda as follows:

Patricia M. Goss, Director, Agency  
 Regulation contact board  
 100 West Randolph Street, Suite 11-500  
 Chicago, IL 60601  
 Tel: 312.664.6644  
 Internet: [patricia.goss@iepa.state.il.us](mailto:patricia.goss@iepa.state.il.us)

G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 617.

Interested persons may contact the IEPA about its prospective

## JANUARY 1998 REGULATORY AGENDA

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rulemaking proposal as follows:

Rick Cobb  
 Illinois Department of Transportation  
 Division of Public Water Supplies  
 Bureau of Water  
 Illinois Department of Transportation  
 2200 Churchill Road  
 P. O. Box 19276  
 Springfield, IL 62794-9276  
 217-282.8653

H) Part(s) (Heading and Code Citation): Maximum Setback Zones (35 Ill. Adm. Code 614)

I) Rulemaking: No docket presently reserved.

A) Background: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would establish general provisions for maximum setback zone regulations. This new Part would, in subpart B, prescribe maximum setback zone prohibitions and the applicable technology control regulations that apply under existing regulations for new and existing potential point sources of groundwater contamination and new potential routes of groundwater contamination and new existing activities regulated under 35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the Illinois American Water Company. The Board will be designated within the proposed regulation.

n) Statutory Authority: Implementing and authorized by Sections 14.3 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 & 5/27].

C) Scheduled meeting/hearing dates: In preparing the proposal, the IEPA has met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Council recognized the need for a maximum setback zone regulation. No new meetings are scheduled at this time. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by August 30, 1997. The Board

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will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on Small Businesses, small municipalities or not for profit corporations: Small businesses, small municipalities or not for profit corporations that engage in certain activities in the affected area may be affected by having constraints imposed upon new activities within the maximum zone.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb084r1.state.il.us](mailto:kcrowley@pcb084r1.state.il.us)

G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 618.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb  
Section Manager, Groundwater Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P. O. Box 19276  
Springfield, IL 62794-9276  
217-782-8653

x) Part (Heading and Code Citation): Groundwater Quality (35 Ill. Adm. Code

## POLLUTION CONTROL BOARD

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620)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is considering filing a rulemaking proposal before the Board. The proposal would amend Section 620.505 of the groundwater quality regulations (35 Ill. Adm. Code 620.505) in response to an interpretation of that Section by the appellate court in *People v. Stonehedge* (94-CH-46, May 22, 1997). Compliance monitoring points are broken into different categories in Section 620.505. Samples taken from potable water wells other than community water supply wells is acceptable under certain circumstances. The amendments would seek to expand those circumstances to instances in which the IEPA has sufficient hydrogeologic, geologic, construction, and other information to determine the reliability of data generated by analyses of samples from those wells. The amendment would provide increased protection of the groundwater by allowing sampling of greater sampling points.

B) Statutory Authority: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act, 415 ILCS 55/8 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by August 30, 1997. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses, small municipalities or not for profit corporations would be affected by the amendments to the extent they engage in any activity that requires demonstration of compliance with the groundwater quality standards.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board



## POLLUTION CONTROL BOARD

## JANUARY 1998 REGULATORY AGENDA

100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

## Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 620.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb  
Section Manager, Groundwater Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P. O. Box 19276  
Springfield, IL 62794-9276  
217-782-8653

y) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)  
RCRA Permit Program (35 Ill. Adm. Code 703)  
UIC Permit Program (35 Ill. Adm. Code 704)  
Procedures for Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)  
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill. Adm. Code 725)  
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)

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Land Disposal Restrictions (35 Ill. Adm. Code 728)  
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)  
Standards for Universal Waste Management (35 Ill. Adm. Code 733)  
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)  
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R97-21/R98-5 (RCRA Subtitle C hazardous waste) and R98-3 (UIC) (consolidated)

A) Description: Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments that occurred at this time.

The Board has reserved docket number R97-21 to accommodate any amendments to the RCRA Subtitle C program, 40 CFR 260 through 272, that USEPA made in the period July 1, 1996, through December 31, 1996. The Board is aware of several federal actions during the time-period:

61 Fed. Reg. 34251 (July 1, 1996)

Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes. The Board will have to take corresponding action in the R97-21 RCRA Subtitle C update rulemaking.

61 Fed. Reg. 36419 (July 10, 1996)

USEPA corrected typographic errors in certain of the April 8, 1996, Phase III land disposal restriction (LDR) amendments. This action was included in the consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997. No action will be necessary in the present R97-21 RCRA Subtitle C update docket.

61 Fed. Reg. 40520 (August 5, 1996)

USEPA authorization additional segments of Illinois the Illinois RCRA Subtitle C hazardous waste program. Although no Board action will be required to amend the Illinois hazardous waste regulations, the Board will mention the authorization in the R97-21 RCRA Subtitle C update opinion discussing the federal actions for the period. The Board will add this authorization to the listing of federal approvals that appears in the RCRA Subtitle C opinions.

61 Fed. Reg. 43927 (August 26, 1996)

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USEPA adopted emergency amendments to the April 8, 1996, Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes. This action was included in the consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997. No action will be necessary in the present R97-21 RCRA Subtitle C update docket.

61 Fed. Reg. 56631 (November 4, 1996)

USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text. No Board action will be required on this revision in the present R97-21 RCRA Subtitle C update docket because the Board based its rules on the Federal Register and never incorporated the errors in the CFR.

61 Fed. Reg. 59931 (November 25, 1996)

USEPA adopted final organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules). These are the long-awaited rewrite of the Subpart CC rules. This action was included in the consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997. No action will be necessary in the present R97-21 RCRA Subtitle C update docket.

As indicated, the Board has taken or will not need to take action based on some of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1996, through December 31, 1996. The Board dealt with the federal actions of July 10, August 26, and November 25, 1996, in docket R96-10/R97-3/R97-5. No action will be required of the Board on the matters of August 5 and November 4, 1996. The Board has not yet taken action on the federal action of July 1, 1996, and this set of federal revisions will require Board action under docket R97-21.

The Board has reserved docket number R98-5 to accommodate any amendments to the RCRA Subtitle C program, 40 CFR 260 through 272, that USEPA made in the period January 1, 1997, through June 30, 1997. The Board is presently aware of several federal actions during the time-period:

62 Fed. Reg. 1678 (January 13, 1997)

Change in name and ownership of Enviro Corp. AS94-10 (Dec. 14, 1994) expressly superseded the former federally-derived delisting, and the Board repealed the former identical-in-substance delisting in consolidated UIC and RCRA Subtitle C docket R95-4/R95-6 (June 1, 1995). No further

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action will be necessary in the present R98-5 RCRA Subtitle C update docket.

62 Fed. Reg. 1834 (January 14, 1997)

Amendments to USEPA addresses. No similar action will be required in Illinois in the present R98-5 RCRA Subtitle C update docket.

62 Fed. Reg. 1991 (January 14, 1997)

Amendments to current national capacity variance for spent potliners from primary aluminum production for 6 months. This action was included in the consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997. No further action will be necessary in the present R98-5 RCRA Subtitle C update docket.

62 Fed. Reg. 6621 (February 12, 1997)

Amendments to identifying when conventional and chemical military munitions become hazardous waste under RCRA. Board action will be required to amend the corresponding Illinois rules in RCRA Subtitle C update docket R98-5.

62 Fed. Reg. 7502 (February 19, 1997)

Technical amendments to the tables in the Phase III land disposal restriction rule. This action was included in the consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997. No further action will be necessary in the present R98-5 RCRA Subtitle C update docket.

62 Fed. Reg. 25998 (May 12, 1997)

Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. A very small segment of this action was included in the consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997. Further action will be necessary in the present R98-5 RCRA Subtitle C update docket to incorporate the major elements of the Phase IV rules not included in that prior update docket.

62 Fed. Reg. 32452 (June 13, 1997)

Amendments to the hazardous waste testing and monitoring regulations. This action was included in the consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997. No further action will be necessary in the present R98-5 RCRA Subtitle C update docket.

62 Fed. Reg. 32974 (June 17, 1997)

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Amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA. This action was included in the consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997. No further action will be necessary in the present R98-5 RCRA Subtitle C update docket.

As with the previous docket R97-21 timeframe, the Board will not need to act in docket R98-5 based on some of the January 1, 1997, through June 30, 1997, federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of February 19 and June 13 and 17, 1997, in the prior update docket R96-10/R97-3/R97-5. No regulatory amendments will be necessary based on these federal actions. The Board will need to act with regard to the federal actions of February 12, May 12, and June 13, 1997, to amend the Illinois RCRA Subtitle C regulations to reflect the changes brought about by these USEPA actions.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-21, the earliest federal amendments in the applicable period occurred on July 1, 1996. That means that the nominal due date for the R97-21 amendments is July 1, 1997. As a result of the delay in the prior consolidated identical-in-substance update docket, R96-10/R97-3/R97-5, adopted by the Board on November 6, 1997, and filed with the Secretary of State pursuant to the agreement between the State of Illinois and the U.S. Environmental Protection Agency on December 16, 1997, progress in this docket was unavoidably delayed. The Board could not propose amendments in this docket until the amendments in the prior docket are filed with the Secretary of State, at the earliest. The Board entered an order on September 18, 1997, setting forth reasons for the reasons for delay and projecting a time for completion of this rulemaking of May 1, 1998. A Notice of Public Information appeared in the November 14, 1997 issue of the *Illinois Register* (at 21 Ill. Reg. 14694) setting forth reasons for delay.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the USEPA UIC rules that occurred in the period January 1, 1997, through June 30, 1997. The Board is presently aware of two federal actions during the time-period:

52 Fed. Reg. 1834 (January 14, 1997)

Amendments to USEPA addresses. No Board action will likely be required; see related RCRA Subtitle C action listing on this

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date, described above.

62 Fed. Reg. 25998 (May 12, 1997)

Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. Board action will be required in the present UIC update docket R98-3 to amend the corresponding Illinois rules.

The Board consolidated these three dockets by the order dated September 18, 1997. The reasons stated for consolidation are that the sets of amendments involved in the three dockets are all closely related and that consolidation will allow expedited consideration of all the amendments.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-21, the earliest federal amendments in the time-frame of this docket that will require Board action are those of July 1, 1996, which would have required Board adoption by July 1, 1997. The Board stated in its September 18, 1997, order that it anticipated completion of its amendments some time before May 1, 1998. Board staff has been diligently assembling a proposal for public comment in this matter, and the Board presently anticipates adopting a proposal for public comment in February, 1998, for subsequent publication in the *Illinois Register*. If further delay is necessary, the Board will adopt an order setting forth reasons for delay and will cause a Notice of Public Information to appear in the *Illinois Register*.

B) Statutory Authority: Sections 22.4(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. In docket R97-21, the earliest federal amendments in the time-frame of this docket that will require Board action are those of July 1, 1996, which would have required Board adoption by July 1, 1997. The Board stated in its September 18, 1997, order that it anticipated completion of the amendments some time before May 1, 1998. Board staff has been diligently assembling a proposal for public comment in this matter, and the Board presently anticipates adopting a proposal for public comment in February, 1998, for subsequent publication



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in the *Illinois Register*. If further delay is necessary, the Board will adopt an order setting forth reasons for delay and will cause a Notice of Public Information to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-21/R98-3/R98-5, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-21/R98-3/R98-5, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: The reserved consolidated identical-in-substance RCRA Subtitle C update rulemaking docket R98-21 (see item (z) below) and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 703, 705, 720 through 726, 728, 733, and 739. The reserved underground injection control docket R98-19 (see item (aa) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702, 704, 705, 720, 730, and 738. A prospective docket relating to facility citing in floodplains (see item (bb) below) may affect the text of Parts 703 and 724.

Section 22.4(a) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this

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rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

z) Parts (Headings and Code Citations):

RCRA and UTC Permit Programs (35 Ill. Adm. Code 702)  
RCRA Permit Program (35 Ill. Adm. Code 703)  
Procedures for Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)

Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)  
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)  
Land Disposal Restrictions (35 Ill. Adm. Code 728)  
Standards for Universal Waste Management (35 Ill. Adm. Code 733)  
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R98-21

A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments that occurred at this time.

The Board opened docket number R98-21 to accommodate any amendments to the RCRA Subtitle C program, 40 CFR 260 through 272, that USEPA made in the period July 1, 1997, through December 31, 1997. At this time, the Board is aware of the following federal actions that occurred in this time-frame:

62 Fed. Reg. 45568 (August 28, 1997)

A second emergency one-year extension of the alternative carbamate waste treatment standards for the land disposal restrictions, until August 26, 1998.

62 Fed. Reg. 48394 (September 15, 1997)

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Amendment of the 40 CFR 136 CWA analytical methods (incorporated by reference in the Illinois RCRA Subtitle C regulations) to allow the use of a new method for dioxins and furans.

62 Fed. Reg. 64503 (December 5, 1997)

Clarifying amendments to the land disposal restrictions relating to the authorization of treatment variances.

62 Fed. Reg. 64635 (December 8, 1997)

Clarifying amendments to the Subpart CC organic material emissions rules applicable to tanks, containers, and surface impoundments.

The Board will verify the federal actions in the time-frame of this docket in the coming weeks, by February, 1998. Upon completion of the next preceding consolidated RCRA Subtitle C update docket, R97-21/R98-3/R98-5 (consolidated) (See item (y) above), the Board will propose corresponding amendments to the RCRA Subtitle C regulations using the identical in-substance procedure.

Section 5/22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R98-19, the earliest federal amendments in the time-frame of this docket that will require Board action are those of August 28, 1997, which will require Board adoption by August 28, 1998. If publication of a notice of reasons for delay is necessary, the Board will adopt an order setting forth reasons for delay and will cause a Notice of Public Information to appear in the *Illinois Register*.

B) Statutory Authority: Sections 22.4(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by end of February 1998, and complete the actions in the prior consolidated update docket, R97-20/R98 3/R98-5, by Spring 1998, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* for this docket, R98-21. Section 22.4(a) of the Environmental Protection Act provides that the Board must adopt

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amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date is August 28, 1997, which will require Board adoption by August 28, 1998. As a result of the delay in the prior consolidated identical in-substance update dockets, R97-20/R98-3/R98-5, adopted by the Board on November 6, 1997, and R97-21/R98-3/R98-5 (see item (y) above), progress in this docket will ultimately be unavoidably delayed. The Board cannot propose amendments in this docket until the amendments in the prior dockets are filed with the Secretary of State, at the earliest. The Board anticipates entering an order some time prior to August, 1998, setting forth reasons for the delay and projecting a time for completion of this rulemaking. The Board will cause a Notice of Public Information to appear in the *Illinois Register* setting forth reasons for delay.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-21, as follows:

Barclay Gunn, Clerk  
Pollution Control Board  
100 W Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-21, as follows:

Michael J. McCambidge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924

E-mail: mmccambid@poch0841.state.il.us

G) Related Rulemakings and other pertinent information: The reserved consolidated identical-in-substance RCRA Subtitle C and UIC update rulemaking docket R97-21/R98-3/R98-5 (see item (y) above) and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 703, 705, 720 through 726, 728, 733, and 739. The reserved identical in-substance underground injection control

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update docket R98-19 (see item (aa) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702, 705, and 720. A prospective docket relating to facility citing in floodplains (see item (bb) below) may affect the text of Parts 703 and 724.

Section 22.4(a) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

**aa) Parts (Headings and Code Citations):**

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)

UIC Permit Program (35 Ill. Adm. Code 704)

Procedures for Permit Issuance (35 Ill. Adm. Code 705)

Hazardous Waste Management System: General (35 Ill. Adm. Code 720)

Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)

Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

**1) Rulemaking: Presently reserved docket number R98-19**

**A) Description:** Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the U.S. Environmental Protection Agency (USEPA) UIC rules during the period July 1, 1997, through December 31, 1997. At this time, the Board has not yet verified whether any federal actions have occurred that will require amendments to the underground injection control (UIC) regulations. The Board will do so in coming weeks. If that verification indicates that no amendments requiring amendments are necessary, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the UIC regulations using the identical-in-substance procedure.

**B) Statutory Authority:** Sections 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/13(c) & 27].

**C) Scheduled meeting/hearing dates:** None scheduled at this time. When the Board determines to propose amendments, the Board will

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vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

**D) Date agency anticipates First Notice:** Board staff has been assembling a proposal for public comment in the prior consolidated RCRA Subtitle C hazardous waste and UIC update, and the Board presently expects to adopt a proposal for public comment in the preceding consolidated update docket, R97-21/R98-3/R98-5 in February, 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 13(c) of the Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, if that date is assumed to be July 1, 1997, the deadline for final adoption of any amendments would be July 1, 1998. As a result of the delay in the prior consolidated identical-in-substance update docket, R96-10/R97-3/ R97-5, completed by the Board in December, 1997, and the next subsequent update docket, R97-21/R98-3/R98-5, also delayed, progress in this docket will ultimately be unavoidably delayed. The Board cannot propose amendments in this docket until the amendments in the prior docket are filed with the Secretary of State, at the earliest. The Board anticipates entering an order some time prior to January, 1998 setting forth reasons for the delay and projecting a time for completion of this rulemaking. The Board will cause a Notice of Public Information to appear in the *Illinois Register* setting forth reasons for delay.

**E) Affect on small business, small municipalities or not for profit corporations:** This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste or underground injection of waste.

**F) Agency contact person for information:** Address written comments concerning the substance of the rulemaking, noting docket number R98-19, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-19, as follows:



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Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: The opened identical-in-substance RCRA Subtitle C update rulemaking dockets R96-10/R97-3/R97-5 (consolidated) (see item (y) above) and R97-21 and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720.

Section 13(c) of the Environmental Protection Act provide that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

bb) Part Heading and Code Citation:

RCRA Permit Program (35 Ill. Adm. Code 703)  
Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)

1) Rulemaking: No docket presently reserved.

- A) Description: This rulemaking will establish the standards for financial assurance mechanisms available to facilities located within the boundary of the 100-year floodplain.

- B) Statutory Authority: Implemented and authorized by Section 22.19b and 27 of the Environmental Protection Act (Act) [415 ILCS 5/22.19b and 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. Section 22.19b of the Act requires the Illinois Environmental Protection Agency (IEPA) to file a proposal with the Board by June 30, 1998 that would prescribe standards for financial assurance mechanisms for landfills located within the boundary of a 100-year floodplain. It further requires Board to adopt regulations based on an IEPA proposal within six months of receipt of the IEPA's

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proposal.

Section 22.19b further requires the Board to employ the general rulemaking procedure of Title VII (Sections 27 and 28) of the Act. Those provisions will require at least one public hearing in each of at least two areas of the State. The Board will schedule those required public hearings shortly after the IEPA proposal is filed.

- D) Date Agency anticipates First Notice: Section 22.19b of the Act requires the IEPA to file a proposal with the Board by June 30, 1998 that would prescribe standards for financial assurance mechanisms for landfills located within the boundary of a 100-year floodplain. It further requires Board to adopt regulations based on an IEPA proposal within six months of receipt of the IEPA's proposal. Section 22.19b further requires the Board to employ the general rulemaking procedure of Title VII (Sections 27 and 28) of the Act. This abbreviated schedule for Board adoption will require the Board to adopt proposed amendments for First Notice publication in the *Illinois Register* without substantive review immediately after the IEPA proposal is filed.

- E) Affect on small business, small municipalities, or not for profit corporations: The IEPA anticipates that small business, small municipalities, or not for profit corporations may be affected by this rule to the extent that they own or operate a sanitary landfill within the boundaries of a 100-year floodplain.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb084rl.state.il.us

- G) Related Rulemaking and other pertinent information: The reserved consolidated identical-in-substance RCRA Subtitle C and UIC update rulemaking dockets R97-21/R98-3/R98-5 (see item (y) above) and

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R98-21 (see item (z) above) and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 703 and 724. The reserved identical-in-substance RCRA Subtitle D municipal solid waste landfill update docket R98-19 (see item (ee) below), and prospective rulemaking proposal from the IEPA (see item (hh) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 811 and 813.

Section 22.19a of the Environmental Protection Act (Act) [415 ILCS 5/22.19a], added by P.A. 90-503, enacted on August 19, 1997, and effective January 1, 1998, prohibits the location of a sanitary landfill or waste disposal site within the boundaries of a 100-year floodplain, except for certain existing facilities or facilities whose siting has already been approved. Companion Section 22.19b requires the IEPA to propose by June 30, 1998, standards for financial assurance mechanisms for landfills and waste disposal facilities that are located in 100-year floodplains. Section 22.19b requires the Board to adopt regulations based on the IEPA's proposal within six months of when the proposal is filed.

For further information on the IEPA's proposal, contact the IEPA as follows:

Valerie A. Puccini  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544

cc) Part(s) (Headings and Code Citation): Review of Operator's Prior Experience (35 Ill. Adm. Code 706)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is presently preparing a proposal for filing with the Board that would establish regulatory procedures for the denial of any RCRA permit or any permit for the conduct of any waste-transportation or waste-disposal operation if the prospective operator or any employee or officer of the prospective operator has a history of conduct that violates Section 39(i) of the Environmental Protection Act 415 ILCS 5/39(i).

B) Statutory Authority: Sections 22.4(b), 27, and 39(i) of the

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Environmental Protection Act [415 ILCS 5/22.4(b), 27 & 39(i)].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will conduct public hearings according to the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal to the Board is expected by March 1, 1998, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small business, small municipalities or not for profit corporations: The Board anticipates that small businesses, small not for profit corporations, and small municipalities may be affected by this rule to the extent they own or operate a facility or engage in any activity that requires an applicable permit.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb084rl.state.il.us

G) Related Rulemaking and other pertinent information: No other presently known proceeding would impact the general provisions of Part 706.

For information regarding the IEPA's development of this proposal, please contact:

Christopher Perzan  
2200 Churchill Road  
Division of Legal Counsel  
P.O. Box 19276  
Springfield, IL 62794-9276

## POLLUTION CONTROL BOARD

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217-782-5544

dd) Part, Heading and Code Citation: Site Remediation Program (35 Ill. Adm. Code 740)

1) Rulemaking: No docket presently reserved.

A) Description: The prospective rules would implement Section 58.14 of the Environmental Protection Act (Act) [415 ILCS 5/58.14], added by P.A. 90-123, effective July 21, 1997. Section 201(1) of the Illinois Income Tax Act [35 ILCS 5/201(1)] provides a tax credit of up to 25 percent of the costs of remediation for qualified Remediation Applicants (RAs) performing environmental remediation under the Site Remediation Program (SRP). Although the tax credit itself is obtained by filing a return and appropriate schedules with the Illinois Department of Revenue (IDOR), the costs of remediation under the SRP first must be reviewed by the Illinois Environmental Protection Agency (IEPA) to ensure that they are eligible costs.

New Section 58.14 of the Act sets forth the requirements for RAs applying to the IEPA for a review of remediation costs. It prescribes the procedures to be used by the IEPA when conducting the reviews. It directs the IEPA to submit proposed rules to the Illinois Pollution Control Board (Board) within six months of the July 21, 1997 effective date of this new provision. The IEPA's proposal will reconstruct the statutory framework and provide additional administrative details. Section 58.14 requires the Board to "adopt on second notice" regulations based on the IEPA's proposal within six months.

Once the requirements of the SRP have been completed, and the resulting No Further Remediation Letter is recorded in the chain of title for the site, the RA may submit itemization and documentation of the costs incurred along with proof of payment and other supporting documentation to the IEPA. The IEPA would review the application to ensure that the costs have been incurred for investigating and remediating regulated substances of concern and that they are reasonable. The IEPA then will issue a letter to the RA certifying the amount of the approved costs. This letter will be attached to the RA's tax return to verify to the IDOR the amount eligible for the tax credit. The IEPA has a prescribed time for conducting the reviews, and the RA may appeal adverse IEPA decisions to the Board. The proposal also will contain lists of eligible and ineligible costs that will guide RAs in preparing their applications.

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RAs seeking an early indication of the possible tax benefits may obtain a non-binding, preliminary review of estimated costs of remediation by submitting to the Illinois EPA a budget plan along with the SRP Remedial Action plan. When the remediation has been completed, the RA may submit the IEPA's preliminary determination along with the application for final review. The IEPA would not be required to conduct a full review of the application if actual costs do not exceed the estimates approved for the budget plan and the remediation performed is the same as that approved in the Remedial Action Plan.

B) Statutory Authority: Sections 58.14 and 27 of the Environmental Protection Act [415 ILCS 5/58.14 and 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will conduct at least two public hearings on the proposal in affected areas of the State pursuant to Sections 27 and 28 of the Act.

D) Date Agency anticipates First Notice: Submittal to the Board is expected approximately on January 21, 1998, after which the Board will order publication of the First Notice.

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses, small municipalities and not-for-profit corporations may be affected by the proposed rules to the extent that they have income that is taxable under the Illinois Income Tax Act [35 ILCS 5/201(a) and (b)] and perform environmental remediation under the Site Remediation Program [35 Ill. Adm. Code 740], unless they satisfy the eligibility requirements under Section 201(1) of the Illinois Income Tax Act [35 ILCS 5/201(1)]. Application for the tax credit is at the discretion of the taxpayer.

F) Agency contact person for information:

Kathleen Crowley  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb084rl.state.il.us](mailto:kcrowley@pcb084rl.state.il.us)

G) Related rulemakings and other pertinent information: Because the tax credit depends on performance of environmental remediation under the Site Remediation Program, the proposal will be submitted as an amendment to the existing 35 Ill. Adm. Code 740: Site



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Remediation Program. The proposal creates a new Subpart G: Review of Remediation Costs for Environmental Remediation Tax Credit and includes conforming amendments to the existing Part 740 where necessary. No other known proceedings could also affect the text of Part 740.

For information regarding the IEPA's development of the tax credit regulations, please contact:

Mark Wight  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544

ee) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)  
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)  
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)  
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)  
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)  
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number R98-20

A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois RCRA Subtitle D municipal solid waste landfill regulations to reflect the U.S. Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D rules.

The Board has reserved docket number R98-20 to accommodate any amendments to the 40 CFR 258 RCRA Subtitle D regulations that USEPA may make in the period July 1, 1997, through December 31, 1997. At this time, the Board has not yet verified whether any federal actions have occurred that will require amendments to the RCRA Subtitle D municipal solid waste landfill (MSWLF) regulations. The Board will do so in coming weeks. If that verification indicates that no amendments requiring amendments are necessary, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose

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corresponding amendments to the MSWLF regulations using the identical-in-substance procedure.

Section 22.40(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R98-20, if the earliest federal amendments in the applicable period is assumed to have occurred on July 1, 1997, the nominal due date for the R98-20 amendments would be July 1, 1998.

B) Statutory Authority: Sections 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.40(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board expects to adopt a proposal for public comment in R98-20 some time by Spring 1998, after which time the Board would cause publication of Notices of Proposed Amendments in the *Illinois Register* if any federal amendments have occurred. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication. Section 22.40(a) of the Environmental Protection Act provide that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In docket R98-20, the earliest possible federal amendments in the time-frame of this docket that would require Board action would be July 1, 1997, which would require Board adoption by July 1, 1998.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-20, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

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312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-20, as follows:

Michael J. McCambridge, Attorney

Pollution Control Board

100 West Randolph Street, Suite 11-500

Chicago, IL 60601

312-814-6924

Internet: mmccambr@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: Prospective proposals for amendments to the solid waste landfill regulations anticipated from the Illinois Environmental Protection Agency relating to citing landfill facilities in 100-year floodplains (see item (bb) above) and to landfill permitting (see item (hh) below) and other, as yet unknown, rulemaking proceedings could potentially impact Parts 811 and 813. No other known proceedings would affect the text of Parts 807, 810, 812, 814, or 815.

Section 22.40(a) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

ff) Part (Heading and Code Citation): Special Waste Classifications (35 Ill. Adm. Code 808)

- 1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently developing a proposal for filing with the Board that would amend the special waste classification regulations, located at 35 Ill. Adm. Code 808. The amendments would provide relaxation of requirements relating to the handling of special waste for small businesses.

B) Statutory Authority: Sections 21, 22, 22.01, 22.9, and 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9 & 27].

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- C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings according to the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: An IEPA submittal to the Board by June 1997 is expected, after which the Board will cause First Notice publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities or not for profit corporations: The Board anticipates that small businesses, small municipalities, and not for profit corporations that generate, transport, or manage, special waste may be affected by these amendments. The amendments would provide relaxation of requirements relating to the handling of special waste for small businesses.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: No other known rulemaking proceedings would affect the text of Part 808.

For information regarding the IEPA's development of this proposal, please contact:

Judith S. Dyer  
2200 Churchill Road  
Division of Legal Counsel  
P. O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544

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gg) Part(s) (Headings and Code Citation): Special Waste Hauling (35 Ill. Adm. Code 809)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board. The prospective amendments would bifurcate the existing special waste hauling regulations into two segments. A new Uniform Program required by the federal government would be incorporated to address hazardous waste, and nonhazardous special waste would appear under its own Subpart.

These amendments were necessitated by a potential federal preemption suit. Federal law mandates that any state wishing to register and issue permits to motor carriers that transport hazardous materials must do so by using uniform forms and procedures. P.A. 90-219, effective July 25, 1997, amended the Act to incorporate the Uniform Program in this State, in order to be consistent with federal law. These amendments would implement those changes.

B) Statutory Authority: The prospective amendments would be proposed pursuant to Sections 22, 22.01, and 22.2 and authorized by Section 27 of the Illinois Environmental Protection Act (Act) [415 ILCS 5/21, 5/22.01, 5/22.2 & 27], as amended by P.A. 90-219, effective July 25, 1997.

C) Scheduled Meeting/Hearing Dates: None are scheduled at this time. An IEPA filing with the Board by January 1998 is expected, after which the Board will conduct at least two public hearings in affected areas of the State, as required by Sections 27 and 28 of the Act.

D) Date Agency Anticipates First Notice: An IEPA submittal to the Board by January 1998 is expected, after which the Board will cause First Notice publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on Small Business, Small Municipalities or Not for Profit Corporations: This rule will affect small businesses, small municipalities, and not-for-profit corporations to the extent that these entities ship or transport hazardous waste or nonhazardous special waste.

F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

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Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-509  
Chicago, IL 60601  
312-814-5931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-509  
Chicago, IL 60601  
312-814-6929

Internet: kcrowley@pcb084rl.state.il.us

G) Related Rulemaking and other pertinent information: No other known rulemaking proceedings would affect the text of Part 809.

For information regarding the development of these amendments please contact the IEPA as follows:

Kimberly A. Robinson  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544

hh) Part (Heading and Code Citation):

Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)  
Management of Used and Waste Tires (35 Ill. Adm. Code 848)

1) Rulemaking: Docket number R98-9

A) Description: The Illinois Environmental Protection Agency (IEPA) and the National Solid Waste Management Association filed a joint proposal for rulemaking before the Board on August 11, 1997, that would amend the regulations governing municipal solid waste landfills, located at 35 Ill. Adm. Code 811 and 813. The amendments would amend the standards for management and permitting of new solid waste landfills.

B) Statutory Authority: Sections 5, 21.1, 21, 22, 22.17, and 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17 & 27].



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C) Scheduled meeting/hearing dates: The Board held public hearings in Chicago and Springfield on October 27, 1997, and November 19, 1997, according to the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28]. No further hearings are planned or scheduled at this time.

D) Date Agency anticipates First Notice: An IEPA submittal to the Board by August, 1997 is expected, after which the Board will cause First Notice publication of Notices of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities or not for profit corporations: The Board anticipates that small businesses, small municipalities, and not for profit corporations may be affected by these amendments to the extent that those entities own or operate a municipal solid waste landfill facility.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-9, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R98-9, as follows:

Marie E. Tipsord, Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-4925 or 618-498-9803  
Internet: mtipsord@pcb084rl.state.il.us

G) Related Rulemakings and other pertinent information: The reserved identical-in-substance RCRA Subtitle D update rulemaking docket R98-20 (see item (ee) above) and a prospective petition for amendments from the Illinois Environmental Protection Agency relating to location of landfills in 100-year floodplains (see item (bb) above) could potentially impact Part 811 or 813 involved in this docket. No other known rulemaking proceedings would affect the text of Part 848.

ii) Parts (Headings and Code Citations): Requirements for New Steel and

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Foundry Industry Wastes Landfills (35 Ill. Adm. Code 817)

1) Rulemaking: Docket Number R97-27

A) Description: On March 4, 1997, the Illinois Cast Metals Association (ICMA) filed a proposal with the Board to amend 35 Ill. Adm. Code 817.101. Section 817.101 addresses the scope and applicability of Part 817, Requirements for New Steel and Foundry Industry Wastes Landfills. Generally, certain steel and foundry operations may opt to comply with the Part 817 requirements in lieu of disposing of their wastes as chemical waste in Part 811 landfills. Part 817 contains requirements for management and disposal of certain steel and foundry wastes that meet the waste classification criteria (maximum allowable leaching concentrations (MALCs)). ICMA proposes to expand the scope of Part 817 to allow certain nonferrous foundries the option of availing themselves of Part 817. Specifically, ICMA proposes to include the following among those wastes that may come within Part 817: non-putrescible wastes produced by nonferrous foundry processes covered by SIC Codes 3365 and 3366, with the exception of those foundries that pour leaded brass.

B) Statutory Authority: Sections 21, 22, 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/21, 22, 27 & 28].

C) Scheduled meeting/hearing dates: The first hearing in this matter was held in Chicago, Illinois on June 2, 1997. The second hearing, originally scheduled to take place in Springfield, Illinois, was twice postponed at the request of ICMA and has not yet been rescheduled. The Board will conduct any such hearing in accordance with the requirements of Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28]. For further information, please contact the Hearing Officer for this proceeding, Richard R. McGill, Jr., as specified below in item F.

D) Date agency anticipates First Notice: As described above, the second hearing in this matter was postponed at the request of ICMA and has not yet been rescheduled. Depending in part upon if and when the second hearing in this matter takes place, the Board may cause First Notice publication of a Notice of Proposed Amendments within the first six months of 1998.

E) Affect on small business, small municipalities or not-for-profit corporations: The amendments may affect any small business, small municipality or not-for-profit corporation that owns or operates certain nonferrous foundries or certain steel and foundry industry waste landfills.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-27, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-27, as follows:

Richard R. McGill, Jr., Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6983  
Internet: rmcgill@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: No other known, rulemaking proceedings would affect the text of Part 817.

- JJ) Parts (Headings and Code Citations): Standards for Compost Facilities (35 Ill. Adm. Code 830)

- 1) Rulemaking: Docket Number R97-29

- A) Description: On May 6, 1997, two citizens (proponents) filed a proposal with the Illinois Pollution Control Board (Board) to amend 35 Ill. Adm. Code 830.203(c) (proposal). Section 830.203(c) contains location standards for certain landscape waste composting areas. Generally, proponents request in their proposal that the Board amend Section 830.203(c) to prohibit composting areas from being located within one-half mile of the property line of a hospital, school, athletic field, or public park, and to require that existing composting areas located within that setback distance be relocated. Proponents allege that the amendments are necessary because of actual and potential health threats from exposure to certain composting operations.

- B) Statutory Authority: Sections 21, 27, 28 and 39 of the Illinois Environmental Protection Act [415 ILCS 5/21, 27, 28 & 39].

- C) Scheduled meeting/hearing dates: The Board conducted two public hearings in affected areas of the State on September 8 and October 7, 1997, as required by Sections 27 and 28 of the Illinois

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Environmental Protection Act (415 ILCS 5/27 & 28). If further public hearings are held, the Board will conduct them also in accordance with the requirements of Sections 27 and 28. For further information, please contact the Hearing Officer for this proceeding, Richard R. McGill, Jr., as specified below in item F.

- D) Date agency anticipates First Notice: The Board may cause First Notice publication of a Notice of Proposed Amendments to appear in the *Illinois Register* within the first six months of 1998.

- E) Affect on small business, small municipalities or not-for-profit corporations: The amendments may affect any small business, small municipality or not-for-profit corporation that owns or operates certain composting areas or that wishes to locate certain composting areas.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-29, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-29, as follows:

Richard R. McGill, Jr., Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6983  
Internet: rmcgill@pcb084rl.state.il.us

- G) Related Rulemakings and other pertinent information: A prospective proposal for rulemaking anticipated later this year from the Illinois Environmental Protection Agency (see item (kk) below) and other, as yet unknown rulemaking proceedings could potentially impact Part 830.

- kk) Part(s) (Headings and Code Citation): Standards for Compost Facilities (35 Ill. Adm. Code 830)

- 1) Rulemaking: No docket presently reserved.

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A) Description: The Illinois Environmental Protection Agency (IEPA) is presently developing a proposal for filing with the Board that would amend the existing regulations addressing compost facilities, located at 35 Ill. Adm. Code 830. The existing regulations establish performance standards for landscape waste compost facilities and performance and testing standards for end-product compost produced by such facilities. The prospective amendments under development by IEPA would provide performance standards governing facilities composting organic and mixed municipal waste.

B) Statutory Authority: Sections 22.34 and 22.35 and authorized by Section 27 of the Environmental Protection Act (Act) [415 ILCS 5/22.34, 22.35 & 27].

C) Scheduled meeting/hearing dates: None are scheduled at this time. Once the IEPA files the proposal with the Board, the Board will conduct at least two public hearings in affected areas of the State as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The IEPA anticipates submitting its proposal to the Board by July, 1998, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small business, small municipalities or not for profit corporations: Small businesses, not for profit corporations, and small municipalities may be affected by these amendments to the extent they own or operate a facility that composts organic and mixed municipal waste.

F) Agency contact person for information:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb084rl.state.il.us

G) Related Rulemaking and other pertinent information: Presently pending rulemaking R97-29 (see item (jj) above) and other, as yet unknown, proceedings could also affect the text of Part 830.

For information regarding the Illinois Environmental Protection Agency's development of this proposal, please contact:

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Judith S. Dyer  
1021 North Grand Avenue East  
Division of Legal Counsel  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544



ILLINOIS RACING BOARD

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Licensing of Participants; 11 Ill. Adm. Code 1408  
 Ownership, Partnership and Stable Name; 11 Ill. Adm. Code 1409  
 Trainers and Owners; 11 Ill. Adm. Code 1410  
 Jockeys, Apprentices, Jockey Agents and Valets; 11 Ill. Adm. Code 1411  
 Weights, Penalties and Allowances; 11 Ill. Adm. Code 1412  
 Entries, Subscriptions and Declarations; 11 Ill. Adm. Code 1413  
 Starting; 11 Ill. Adm. Code 1415  
 Rules of the Race; 11 Ill. Adm. Code 1416  
 Objections; 11 Ill. Adm. Code 1417  
 Employment; 11 Ill. Adm. Code 1420  
 Regulations for Meetings; 11 Ill. Adm. Code 1424  
 Discretionary Rules; 11 Ill. Adm. Code 1425  
 Night Racing; 11 Ill. Adm. Code 1426  
 Admissions and Credentials; 11 Ill. Adm. Code 1428  
 Every Employee Identified; 11 Ill. Adm. Code 1429  
 Disclosure Rules; 11 Ill. Adm. Code 1437  
 Quarter Horse Racing; 11 Ill. Adm. Code 1440

1) Rulemaking

- A) Description: The Illinois Racing Board plans to repeal all of the Parts listed above and propose new Parts containing similar language with respect to rules regarding horse racing. This rulemaking is intended to re-organize, re-number, clarify and update racing rules and regulations. This rulemaking will remove redundant and outdated provisions. This rulemaking effort will combine rules regarding harness and thoroughbred racing.
- B) Statutory Authority: 230 ILCS 5/37-9(b)
- C) Scheduled meeting/hearing dates: No hearing dates have been scheduled. Meetings will be scheduled based on public comments received by the Board.
- D) Date agency anticipates First Notice: July 1, 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
 Gina DiCaro  
 Illinois Racing Board  
 100 West Randolph Street, Suite 11-100  
 Chicago, IL 60601  
 (312) 814-5070  
 (312) 814-5039 (TDD)

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a) Part(s) (Heading and Code Citation):

Illinois Race Track Rules for Fire Safety; 11 Ill. Adm. Code 403  
 Race Track Improvement Fund; 11 Ill. Adm. Code 404  
 Race Track Surfaces; 11 Ill. Adm. Code 411  
 Uniform System of Accounts; 11 Ill. Adm. Code 412  
 Programs; 11 Ill. Adm. Code 415  
 Sanitation Rules; 11 Ill. Adm. Code 420  
 Approval of Racing Officials; 11 Ill. Adm. Code 422  
 Race Track Security; 11 Ill. Adm. Code 425  
 Totalizator System Licensees; 11 Ill. Adm. Code 432  
 Totalizator Operations; 11 Ill. Adm. Code 433  
 Outstanding Tickets; 11 Ill. Adm. Code 434  
 Intertrack Wagering Facilities; 11 Ill. Adm. Code 435  
 Security Areas; 11 Ill. Adm. Code 436  
 County Fair Regulations; 11 Ill. Adm. Code 437  
 Licensing; 11 Ill. Adm. Code 502  
 Responsibilities and Duties of Occupation Licensees; 11 Ill. Adm. Code 506  
 Substance Abuse; 11 Ill. Adm. Code 508  
 Claiming Races; 11 Ill. Adm. Code 510  
 Optional Claiming Races and Starter Allowances; 11 Ill. Adm. Code 719  
 Thoroughbred Off-Track Stabling Rules; 11 Ill. Adm. Code 720  
 Illinois Racing Board; 11 Ill. Adm. Code 1301  
 Licensing; 11 Ill. Adm. Code 1302  
 Violations; 11 Ill. Adm. Code 1303  
 Race Track Operators and Their Duties; 11 Ill. Adm. Code 1305  
 Race Officials; 11 Ill. Adm. Code 1306  
 Identification of Horses; 11 Ill. Adm. Code 1307  
 Racing, Farm, Corporate or Stable Name; 11 Ill. Adm. Code 1308  
 Eligibility and Qualifications for Races; 11 Ill. Adm. Code 1309  
 Stakes and Futures; 11 Ill. Adm. Code 1311  
 Entries and Declarations; 11 Ill. Adm. Code 1312  
 General Licensee Rules; 11 Ill. Adm. Code 1313  
 General Racing and Track Rules; 11 Ill. Adm. Code 1314  
 Starting; 11 Ill. Adm. Code 1316  
 Drivers, Trainer, and Agents; 11 Ill. Adm. Code 1317  
 Racing Rules; 11 Ill. Adm. Code 1318  
 Placing and Money Distribution; 11 Ill. Adm. Code 1319  
 Fines, Suspensions and Expulsion; 11 Ill. Adm. Code 1322  
 Protests and Appeals; 11 Ill. Adm. Code 1323  
 Time and Records; 11 Ill. Adm. Code 1324  
 Security and Admissions; 11 Ill. Adm. Code 1325  
 Stewards; 11 Ill. Adm. Code 1402  
 Officials of Meetings; 11 Ill. Adm. Code 1403  
 Racing Secretary; 11 Ill. Adm. Code 1404  
 Clerk of the Scales; 11 Ill. Adm. Code 1405  
 Judges; 11 Ill. Adm. Code 1406  
 License and Application; Association Licenses; 11 Ill. Adm. Code 1407

## ILLINOIS RACING BOARD

## JANUARY 1998 REGULATORY AGENDA

- G) Related rulemaking and other pertinent information: The Board plans to propose the following Parts which will replace the repealed Parts listed above:

Illinois Racing Board; 11 Ill. Adm. Code 200  
 Disciplinary Rules; 11 Ill. Adm. Code 211  
 Prohibited Conduct; 11 Ill. Adm. Code 212  
 Programs; 11 Ill. Adm. Code 220  
 Outstanding Tickets; 11 Ill. Adm. Code 319  
 Totalizator; License and Operations; 11 Ill. Adm. Code 320  
 Admissions; 11 Ill. Adm. Code 323  
 License; 11 Ill. Adm. Code 450  
 Duties; 11 Ill. Adm. Code 451  
 Race Track Improvement Fund; 11 Ill. Adm. Code 452  
 Uniform System of Accounts; 11 Ill. Adm. Code 453  
 Pursues; 11 Ill. Adm. Code 454  
 Occupation Licensees and Duties; 11 Ill. Adm. Code 600  
 Racing Officials; 11 Ill. Adm. Code 601  
 Substance Abuse; 11 Ill. Adm. Code 602  
 Medication; 11 Ill. Adm. Code 603  
 Concessionaires; 11 Ill. Adm. Code 604  
 Stewards; 11 Ill. Adm. Code 800  
 Types of Races; 11 Ill. Adm. Code 801  
 Off-Track Stabling; 11 Ill. Adm. Code 802  
 Entries, Subscriptions and Declarations; 11 Ill. Adm. Code 803  
 Starting; 11 Ill. Adm. Code 804  
 Rules of the Race; 11 Ill. Adm. Code 805  
 Weights; 11 Ill. Adm. Code 806  
 Time and Records; 11 Ill. Adm. Code 807  
 Horse Health; 11 Ill. Adm. Code 808  
 Quarter Horse Racing; 11 Ill. Adm. Code 809

This rulemaking is part of a major rulemaking project by the Board to update and clarify racing rules.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

- a) Part (Heading and Code Citation): General Provisions, 23 Ill. Adm. Code 2700

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
 Compliance Counsel  
 Illinois Student Assistance Commission  
 1755 Lake Cook Road  
 Deerfield, IL 60015-5209  
 847-948-8500  
 E-mail: rmartinez@isc016rl.state.il.us

G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Federal Family Education Loan Program (FFELP), 23 Ill. Adm. Code 2720

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: [rmartine@isc016rl.state.il.us](mailto:rmartine@isc016rl.state.il.us)

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Illinois National Guard (ING) Grant Program, 23 Ill. Adm. Code 2730

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: [rmartine@isc016rl.state.il.us](mailto:rmartine@isc016rl.state.il.us)

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Illinois Veteran Grant (IVG) Program, 23 Ill. Adm. Code 2733

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

rules, in order to make them easier for our clients to use.

- B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

- C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: January 1998

- E) Affect on small business, municipalities or not for profit corporations: None

- F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: rmartine@isc016rl.state.il.us

- G) Related rulemakings and other pertinent information: None

- e) Part (Heading and Code Citation): Monetary Award Program (MAP), 23 Ill. Adm. Code 2735

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

- B) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

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## JANUARY 1998 REGULATORY AGENDA

- C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: January 1998

- E) Affect on small business, municipalities or not for profit corporations: None

- F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: rmartine@isc016rl.state.il.us

- G) Related rulemakings and other pertinent information: None

- f) Part (Heading and Code Citation): Illinois Incentive for Access (IIA) Program, 23 Ill. Adm. Code 2736

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

- B) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].

- C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

- D) Date agency anticipates First Notice: January 1998
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:  
 Ms. Raquel G. Martinez  
 Compliance Counsel  
 Illinois Student Assistance Commission  
 1755 Lake Cook Road  
 Deerfield, IL 60015-5209  
 847-948-8500  
 E-mail: rmartine@isc016rl.state.il.us
- G) Related rulemakings and other pertinent information: None

- g) Part (Heading and Code Citation): Robert C. Byrd Honors Scholarship Program, 23 Ill. Adm. Code 2755

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

- corporations: None
- F) Agency Contact Person for Information:  
 Ms. Raquel G. Martinez  
 Compliance Counsel  
 Illinois Student Assistance Commission  
 1755 Lake Cook Road  
 Deerfield, IL 60015-5209  
 847-948-8500  
 E-mail: rmartine@isc016rl.state.il.us
- G) Related rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): State Scholar Program, 23 Ill. Adm. Code 2760

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
 Compliance Counsel

## ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1998 REGULATORY AGENDA

Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: [rmartine@isc016rl.state.il.us](mailto:rmartine@isc016rl.state.il.us)

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Merit Recognition Scholarship (MRS) Program, 23 Ill. Adm. Code 2761

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: [rmartine@isc016rl.state.il.us](mailto:rmartine@isc016rl.state.il.us)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1998 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Minority Teachers of Illinois (MTI) Scholarship Program, 23 Ill. Adm. Code 2763

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: [rmartine@isc016rl.state.il.us](mailto:rmartine@isc016rl.state.il.us)

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): David A. DeBolt Teacher Shortage Scholarship (DTSS) Program, 23 Ill. Adm. Code 2764



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: rmartine@isc016r1.state.il.us

G) Related rulemakings and other pertinent information: None

1) Part (Heading and Code Citation): Illinois Special Education Teacher Tuition Waiver (SETTW) Program, 23 Ill. Adm. Code 2765

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: rmartine@isc016r1.state.il.us

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Student to Student (STS) Program of Matching Grants, 23 Ill. Adm. Code 2770

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

B) Statutory Authority: Implementing Section 65 and authorized by the Section 20(f) of the Higher Education Student Assistant Act [110 ILCS 947/65 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5200  
847-948-8500  
E-mail: rmartine@isc016r1.state.il.us

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): College Savings Bond Bonus Incentive Grant (BIC) Program, 23 Ill. Adm. Code 2771

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act and by Section 75 of the Higher Education Student Assistance Act [110 ILCS 920/8 and 947/75].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5200  
847-948-8500  
E-mail: rmartine@isc016r1.state.il.us

G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): Limitation, Suspension and Termination (L,S&T) Proceedings, 23 Ill. Adm. Code 2790

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative begun last year to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing and authorized by the Higher Education Student Assistance Act [110 ILCS 947] and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.).

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1998

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1998 REGULATORY AGENDA

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847-948-8500  
E-mail: [rmartine@isc016rl.state.il.us](mailto:rmartine@isc016rl.state.il.us)

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF INSURANCE

## REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Preferred Provider Program Administrators
- 2) Code Citation: 50 Ill. Adm. Code 2051
- 3) Section Numbers:  
2051.Exhibit A
- 4) Date Proposal published in Illinois Register: July 11, 1997, 21 Ill. Reg. 8766
- 5) Date Adoption published in Illinois Register: December 12, 1997, 21 Ill. Reg. 16364
- 6) Summary and Purpose of Expedited Correction: As originally proposed, the amendatory rulemaking changed the registration fee for program administrators from \$100 to \$250. However, a second reference to the fee, in Exhibit A, inadvertently continued to show the fee as \$100.
- 7) Information and questions regarding this request shall be directed to:

Name: Mary Peterson  
Address: Department of Insurance  
320 West Jefferson Street  
Springfield IL 62767  
Telephone: 217/524-4051



DEPARTMENT OF INSURANCE  
REQUEST FOR EXPEDITED CORRECTION

TITLE 50: INSURANCE  
CHAPTER 1: DEPARTMENT OF INSURANCE  
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2051  
PREFERRED PROVIDER PROGRAM ADMINISTRATORS

- Section  
2051.10 Authority  
2051.20 Purpose  
2051.30 Definitions  
2051.40 Administrators Not to Assume Underwriting Risk  
2051.50 Registration  
2051.55 Administrator Application Filing Procedures  
2051.60 Fees  
2051.65 Gatekeeper Option  
2051.70 Fiduciary and Bonding Requirements  
2051.80 Maintenance of Records  
2051.85 Advertising and Solicitation  
2051.90 Examination  
2051.100 Severability
- EXHIBIT A  
1 Preferred Provider Program Administrator Registration Form - PPA  
EXHIBIT B  
Biographical Affidavit  
EXHIBIT C  
Preferred Provider Program Administrator Bond/Fiduciary Account Requirement

AUTHORITY: Implementing and authorized by Article XX 1/2 and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XX 1/2 and 401].

SOURCE: Adopted at 20 Ill. Reg. 9960, effective July 15, 1996; expedited correction at 20 Ill. Reg. 13435, effective July 15, 1996; amended at 21 Ill. Reg. 16364, effective December 9, 1997; expedited correction at 22 Ill. Reg. , effective December 9, 1997.

DEPARTMENT OF INSURANCE  
REQUEST FOR EXPEDITED CORRECTION

Section 2051.EXHIBIT A Preferred Provider Program Administrator Registration Form - PPA 1  
Illinois Department of Insurance  
320 W. Washington Street  
Springfield, IL 62767-0001

Instructions:

Fee Requirement: Attach a check or money order payable to the Director of Insurance for \$250 \$400.

(Source: Expedited correction at 27 Ill. Reg. \_\_\_\_\_, effective December 9, 1997)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 6, 1998 through January 12, 1998 and have been scheduled for review by the Committee at its February 17, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/20/98	Department of Human Services, Subacute Alcoholism and Substance Abuse Treatment Program (77 Ill Adm Code 2090)	10/24/97 21 Ill Reg 13993	2/17/98
2/25/98	Illinois Commerce Commission, Uniform System of Accounts for Electric Utilities (83 Ill Adm Code 415)	8/1/97 21 Ill Reg 9926	2/17/98
2/25/98	Department of State Police, Illinois Uniform Conviction Information Act (20 Ill Adm Code 1215)	5/2/97 21 Ill Reg 5464	2/17/98
2/25/98	Pollution Control Board, Major Stationary Sources Construction and Modification (35 Ill Adm Code 203)	9/19/97 21 Ill Reg 12823	2/17/98

## PROCLAMATIONS

97-685

DALE L. KLOHR DAY

Whereas, Dale L. Klohr was born in Belleville and has lived in the area his entire life; and  
Whereas, Mr. Klohr is happily married and has two lovely daughters and two grandsons; and

Whereas, Mr. Klohr began working for the Illinois Department of Transportation (IDOT) as a civil engineer in 1958 after graduating from the University of Missouri at Rolla earlier in the year; and

Whereas, Mr. Klohr has served IDOT in many capacities, including maintenance engineer (1967-1976), planning engineer (1976-1978) and District engineer (1978-present); and

Whereas, Mr. Klohr is a member of the Registered Professional Engineers in Illinois; St. Clair Chapter Illinois Society of Professional Engineers; Engineers Club of St. Louis; and Academy of Civil Engineers - University of Missouri at Rolla; and

Whereas, Mr. Klohr's district (District 8) is responsible for the design, construction and operation of 1,620 miles of state highways in a 10 county area in southwestern Illinois, including the area known as Metro East; and

Whereas, Mr. Klohr has received numerous awards while working for IDOT including American Public Works Association Leader of the Year (December 1997), St. Louis Regional Congress of Governments Special Chairman's Award (November 1997), Engineer's Club of St. Louis Award of Merit (June 1996) and Award of Excellence from the Eunice Smith School for outstanding commitment and dedication to the Eunice Smith All Star Reading Program (May 1994); and

Whereas, Mr. Klohr will retire on December 19, after nearly 40 years of service with IDOT;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 19, 1997, as DALE L. KLOHR DAY in Illinois and thank him for his years of dedicated service to the state and citizens of Illinois.

Issued by the Governor December 15, 1997.

Filed by the Secretary of State December 22, 1997.

97-686

DAN EGLER DAY

Whereas, Danny "Dan" Egler began his esteemed journalism career at the Chicago Tribune and became known for his investigative journalism (hiding in dumpsters) and hiring future press secretaries (Tom Hardy); and

Whereas, Dan was finally lured to "the other side" to become the speechwriter for Governor Jim Edgar; and

Whereas, by this time, his likeness was so well-known in the Capitol that Gary McDougal once stood right in front of him and asked to speak to Dan Egler, upon which his trusty assistant answered with a straight face, "He's working on something right now"; and

Whereas, Dan often demonstrated his vast knowledge of the outdoors by leading Dave Bender on with a variety of snipe stories and his gourmet taste by eating (on a daily basis) "post heart-crisis" Hardee's "grilled chicken fiesta salad with fat-free Italian dressing"; and

Whereas, Dan was often the saving grace for those in the press office and was fondly given nicknames like "The Filter," "Eggie," and "Dan-the-Man"; and Whereas, Dan finally escaped the Governor's Press Office and became Deputy Director at CDB...or so he thought, because once you're in Edgartraz, you NEVER REALLY LEAVE; and

Whereas, just when he thought he had everyone at CDB fooled, enterprising co-workers there did INDEED find out the true date of his birthday, which happens to be December 23 and the BIG FIVE-OH;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 23, 1997, as DAN EGLER DAY in Illinois and wish him a very Happy 50th Birthday...that is, after he's done with my speech and notecards.

Issued by the Governor December 18, 1997.  
Filed by the Secretary of State December 31, 1997.

## 97-687

## FAIR HOUSING WEEK

Whereas, the Rockford Area Affordable Housing Coalition, Inc. (RAAHC) is comprised of representatives from public and private organizations and individuals working with local government to coordinate the planning and implementation of a long-term strategy to improve neighborhoods and increase the availability of quality, safe, decent, affordable, and accessible housing for and with lower income individuals in the community; and

Whereas, last year, RAAHC presented the First Annual Homebuyer's Fair and attracted approximately 250 renters, first-time homebuyers, and low-income families who started on the path to homeownership; and

Whereas, the RAAHC, in conjunction with Fair Housing Month, presents the Second Annual Homebuyer's Fair on April 17-19, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 13-18, 1998, as FAIR HOUSING WEEK in Illinois.

Issued by the Governor December 18, 1997.

Filed by the Secretary of State December 31, 1997.

## 97-688

## CHICAGO MUSIC AWARDS DAY

Whereas, the Chicago Music Awards has been expanded to include all music categories, including Pop, Rick, Blues, Jazz, Gospel, Country and Western, Comedy, Opera, Classical, Polka, Rhythm and Blues, Reggae and other World Beat Music; and

Whereas, on February 7, 1998, Martin's Inter-Culture, in association with several sponsors, will hold the 17th Annual Chicago Music Awards at the James R. Thompson Center in Chicago; and

Whereas, the Music Awards were founded in 1981 by Ephraim M. Martin, a journalist-native of Jamaica, to honor and promote reggae and other African-oriented music, arts and cultures, and has now been expanded so all categories of music performed in the Chicagoland area can be appreciated; and

Whereas, this event's ceremony is dedicated to "teens in Crisis"; and Whereas, the awards ceremony encourages high standards of performance, conduct and professionalism and seeks to highlight the wealth, richness and history of the Chicago music industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

February 7, 1998, as CHICAGO MUSIC AWARDS DAY in Illinois.

Issued by the Governor December 22, 1997.

Filed by the Secretary of State December 31, 1997.

## 97-689

## LIFE INSURANCE WEEK

Whereas, families depend upon life insurance more than any other form of personal protection; and

Whereas, the Illinois Life Underwriters Association and its members have provided generations the means and opportunity to build individual, family, and business economic security; and

Whereas, underwriters, agents, managers, and general agents contribute to the effectiveness and progress of the insurance industry through their skilled and personal service; and

Whereas, these professional organizations throughout Illinois have joined together to celebrate their common tradition of providing public service to enhance the well-being of their communities, continue the ongoing process of education to members, and promote the highest ethics and professionalism among insurance agents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 10-16, 1998, as LIFE INSURANCE WEEK in Illinois and commend the professional organization members for their tireless work for the good of their profession and their community.

Issued by the Governor December 22, 1997.

Filed by the Secretary of State December 31, 1997.

## 97-690

## PAUL H. BOGAN DAY

Whereas, Paul H. Bogan is a sales representative for the Federated Funeral Directors of America; and

Whereas, Paul has worked for the Federated Funeral Directors of America since October 20, 1958; and

Whereas, Paul became a sales representative in the mid-1960's after working in various office positions; and

Whereas, Paul and his late wife, Alice, have one lovely daughter, Lisa Jacobs, and two wonderful granddaughters; and

Whereas, Paul is a member of the Trinity Lutheran Church in Springfield; and

Whereas, throughout Paul's career, he has developed a reputation for putting the client first, and is serving the second generations of many of those clients today; and

Whereas, Paul will be retiring from the Federated Funeral Directors of America on December 31, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois proclaim December 26, 1997, as PAUL H. BOGAN DAY in Illinois and congratulate Paul on his retirement.

Issued by the Governor December 22, 1997.

Filed by the Secretary of State December 31, 1997.

## 97-691



## VOLUNTEER BLOOD DONOR MONTH

Whereas, historically, the State of Illinois has taken a leadership role in blood issues; and

Whereas, the state passed legislation requiring accurate labeling of blood which resulted in a new national direction and a safer blood supply for the country; and

Whereas, Secretary of State George Ryan has recently demonstrated great leadership in transplantation programs in the state; and

Whereas, blood transfusions are actually the transplantation of liquid human tissue; and

Whereas, a recognition breakfast for state blood group chairmen and their department heads will take place at the State of Illinois Library at 7:30 a.m., January 21, 1998, followed by a blood drive at the Capitol commencing at 9:30 a.m.;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1998 as VOLUNTEER BLOOD DONOR MONTH in Illinois.

Issued by the Governor December 22, 1997.

Filed by the Secretary of State December 31, 1997.

97-692

## ALL LAW ENFORCEMENT OFFICERS DAY

Whereas, Executive Director E. Paul Jones of The Museum of Law and Sciences recently established Law Enforcement Officers Appreciation Day to begin new commitments to public safety and crime prevention; and

Whereas, law enforcement agencies in the federal, county, state and city sector were polled for their opinion about recognizing this day and it was approved by a unanimous consensus; and

Whereas, The Museum of Law and Science will provide exhibits that recognize the benefits of law enforcement; and

Whereas, this marks the first time that The Museum of Law and Science has played an active role in crime prevention or raising the awareness of the community to law enforcement benefits; and

Whereas, The Museum of Law and Science expects to spend 2 million dollars in television, radio and news printed media in order to promote law enforcement and fight crime in the state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 30, 1998, as ALL LAW ENFORCEMENT OFFICERS DAY in Illinois.

Issued by the Governor December 26, 1997.

Filed by the Secretary of State December 31, 1997.

97-693

## BRIDIE SHEERIN DAY

Whereas, Bridie Sheerin was born in Ireland on January 1, 1898, in Bohola, County Mayo; and

Whereas, in 1916, Bridie passed through Ellis Island after leaving Ireland for America; and

Whereas, in 1929, Bridie Jeffers married Joseph Sheerin; and

Whereas, together, Bridie and Joseph had four children, Collette (John) Curran, William (June) Sheerin, John (Janet) Sheerin, and Mary Kay (Joseph)

Mahoney; and

Whereas, Bridie is blessed with 14 grandchildren; Susan, Julie, John, Jean, John, Chris, Mary Clare, Collette, Bill, Matt, Amy, Maureen, Joe and Megan; and

Whereas, she also has 13 great-grandchildren; Scott, Nicolette, Janet, Brian, Kevin, Maura, Bridget, Jack, Maggie, Matt, Mike, Anne Marie and Daniel; and

Whereas, in 1968, she moved to 94th and St. Louis in Evergreen Park where she continues to be a member of the Most Holy Redeemer Parish; and

Whereas, on January 1, 1998, Bridie Sheerin will celebrate her 100th birthday;

Therefore, I, Jim Edgar, Governor of the State of Illinois proclaim January 1, 1998, as BRIDIE SHEERIN DAY in Illinois.

Issued by the Governor December 26, 1997.

Filed by the Secretary of State December 31, 1997.

97-694

## EASTER SEAL MONTH

Whereas, The Easter Seal Society of Metropolitan Chicago has been a premier provider for children and adults with disabilities since 1936; and

Whereas, The Easter Seal Society of Metropolitan Chicago has consistently moved forward in the treatment and services for children and adults with disabilities; and

Whereas, The Easter Seal Society of Metropolitan Chicago has offered hope and support for families of children and adults with disabilities; and

Whereas, The Easter Seal Society of Metropolitan Chicago has continued in its mission to provide comprehensive services and programs to improve the quality of life for individuals with disabilities or developmental special needs, and their families; and

Whereas, The Easter Seal Society of Metropolitan Chicago will hold a black tie gala, entitled "A Masked Affair to Remember," on February 21, 1998, at the Chicago Renaissance Hotel; and

Whereas, this elegant, high profile event will be chaired by Mary Ann Childers and Jay Levine from WBBM Channel 2 News, and emceed by Dave Fogel, deejay from the WTMX FM Morning Show;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1998 as EASTER SEAL MONTH in Illinois.

Issued by the Governor December 29, 1997.

Filed by the Secretary of State December 31, 1997.

97-695

## FINANCIAL LITERACY FOR YOUTH MONTH

Whereas, the average teen in the United States spends \$3,500 each year, and 25 percent of 18- and 19-year-olds have their own credit cards; and

Whereas, high school seniors frequently are unprepared for many of the critical financial decisions they need to make after they graduate; and

Whereas, nationally, for more than a quarter of a century, many Americans have been challenged to save even five percent of their income, in contrast to the 10 percent recommended by the majority of financial planners; and

Whereas, the National Endowment for Financial Education and the

Cooperative Extension System-USDA are sponsoring "Financial Literacy for Youth Month" to encourage educational programs to give young people the financial tools they need to live balanced, responsible and rewarding lives; and

Whereas, this public awareness effort will help teens learn about the financial planning process and contribute to their personal financial stability and, consequently, contribute to the financial stability of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1998 as FINANCIAL LITERACY FOR YOUTH MONTH in Illinois.

Issued by the Governor December 29, 1997.

Filed by the Secretary of State December 31, 1997.

97-696

## ILLINOIS AND MICHIGAN CANAL DAYS

Whereas, the Illinois and Michigan Canal will celebrate its 150th anniversary in 1998; and

Whereas, the Illinois Michigan Canal Volunteers, Inc. are involved in planning events for 1998 on the Utica to LaSalle stretch of the canal; and

Whereas, the volunteers are working to organize a series of attractions and events to heighten awareness of the canal and to bring tourists into the Illinois Valley including: a performance by Stage 212; stagecoach and horse and buggy rides on the canal towpath; canal tours on an old-fashioned paddle boat; a demonstration of slip shovels, the machinery used to dig the canal; remote-control boats reenacting the Civil War battle between the Monitor and the Merrimack; and an Abe Lincoln look-alike providing a lecture or program; and

Whereas, the Illinois and Michigan Canal, completed in 1848, has often been described by historians as one of two public works that helped place Chicago on the map; and

Whereas, the canal was a major shipping route and traffic peaked at just over one million tons in 1882 before taking a long decline; and

Whereas, fragments of the 96-mile I-M Canal still exist in such places as Lockport, though major sections in Chicago's Bridgeport neighborhood have been usurped by the Sanitary and Ship Canal; and

Whereas, the World Canal Conference is scheduled to visit the Illinois and Michigan Canal region, September 17-19, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 17-19, 1998, as ILLINOIS AND MICHIGAN CANAL DAYS in Illinois.

Issued by the Governor December 29, 1997.

Filed by the Secretary of State December 31, 1997.

97-697

## KIDS DAY ILLINOIS

Whereas, the health and well-being of Illinois children are the responsibility of each of us; and

Whereas, the safety of Illinois children is a significant concern for parents, community leaders and health care givers; and

Whereas, environmental welfare is of universal concern and deserves the utmost attention; and

Whereas, if started in childhood, proper health, safety and environmental

habits can be maintained for a lifetime, producing a valued member of society, and enhancing our community; and

Whereas, Kids Day Illinois is an opportunity for state citizens to learn about health awareness, fire safety, bike safety, recycling, drug awareness, and many more important topics to keep our children safe and make the state a healthier and happier place;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9, 1998, as KIDS DAY ILLINOIS.

Issued by the Governor December 29, 1997.

Filed by the Secretary of State December 31, 1997.

97-698

## KING HOLIDAY CELEBRATION/COLLEGE FAIR '98 DAYS

Whereas, the 10th annual King Holiday Celebration and College Fair '98 will take place January 16-18 in Chicago and this year's theme is "Reflections of A King, Dr. King's Life and His Life's Work"; and

Whereas, the main event for the celebration will take place Friday evening, January 16, at the University of Chicago Pavilion, located at 525 S. Racine; and

Whereas, this year's celebration is dedicated to the memory of the late Fannie Lou Hamer, perhaps the most colorful activist in the Civil Rights Movement from the South; and

Whereas, all of the historical black colleges are invited to the Congress Hotel, January 16-17, for the purpose of recruiting in the Chicagoland area as well as school districts in nearby cities such as Milwaukee, Indianapolis, Cleveland, Detroit, St. Louis, Kansas City, Louisville, Minneapolis and many others; and

Whereas, Jeffrey Osborne and Ann Nesby will perform live in concert at the University of Illinois at Chicago Pavilion on Friday evening; and

Whereas, the 1998 King Holiday Celebration will honor Humanitarian of the Year Awardees in the fields of acting, education, business, politics, clergy, media and sports;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 16-18, 1998, as KING HOLIDAY CELEBRATION/COLLEGE FAIR '98 DAYS in Illinois.

Issued by the Governor December 29, 1997.

Filed by the Secretary of State December 31, 1997.

97-699

## DWIGHT "IKE" A. MAGALIS DAY

Whereas, Dwight "Ike" A. Magalis, 52, has been employed by Lake County for 32 years, and has served as Lake County Administrator for the last 19 years; and

Whereas, he has been the first and only administrator of the 460 square-mile county that is home to nearly 583,000 residents; and

Whereas, the county administrator is the chief administrative officer responsible for the overall day-to-day management of the Lake County government including the \$296 million annual budget and 2,600 county employees; and

Whereas, the retirement of Dwight "Ike" A. Magalis will be effective Dec. 31, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1997, as DWIGHT "IKE" A. MAGALIS DAY in Illinois.  
 Issued by the Governor December 30, 1997.  
 Filed by the Secretary of State December 31, 1997.

97-700

**MASTER SERGEANT ALLEN JACKSON DAY**

Whereas, Master Sergeant Allan Jackson was born in Geneseo, Illinois; and  
 Whereas, he is happily married and has two lovely daughters and seven grandchildren; and  
 Whereas, he began working for the Illinois State Police (ISP) as a trooper assigned to Chicago patrol in August 1968 after graduating from the ISP Academy; and  
 Whereas, he has served the ISP in many capacities, including Patrol Officer (1968-1984), Training Academy Staff (1985-1988), Executive Protection Officer (1988-1994) and Executive Protection Mansion Supervisor (1994-Present); and  
 Whereas, Master Sergeant Allen Jackson will retire on December 31, 1997, after nearly 29 years of service with the Illinois State Police;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1997, as MASTER SERGEANT ALLEN JACKSON DAY in Illinois and congratulate Master Sergeant Jackson on his retirement.  
 Issued by the Governor December 30, 1997.  
 Filed by the Secretary of State December 31, 1997.

97-700

**MASTER SERGEANT ALLEN JACKSON DAY (REVISED)**

Whereas, Master Sergeant Allen Jackson was born in Geneseo, Illinois; and  
 Whereas, he is happily married and has two lovely daughters and seven grandchildren; and  
 Whereas, he began working for the Illinois State Police (ISP) as a trooper assigned to Chicago patrol in August 1968 after graduating from the ISP Academy; and  
 Whereas, he has served the ISP in many capacities, including Patrol Officer (1968-1984), Training Academy Staff (1985-1988), Executive Protection Officer (1988-1994) and Executive Protection Mansion Supervisor (1994-Present); and  
 Whereas, Master Sergeant Allen Jackson will retire on December 31, 1997, after nearly 29 years of service with the Illinois State Police;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1997, as MASTER SERGEANT ALLEN JACKSON DAY in Illinois and congratulate Master Sergeant Jackson on his retirement.  
 Issued by the Governor December 31, 1997.  
 Filed by the Secretary of State December 31, 1997.

97-701

**ILLINOIS AGRICULTURAL PESTICIDES CONFERENCE DAYS**

Whereas, the 1998 Illinois Agricultural Pesticides Conference marks a special celebration of 50 years of continuous service by the University of

Illinois to agriculture and the environment; and  
 Whereas, this 50th anniversary of continuous involvement in environmental education stands as a record that is probably unrivaled by any similar program in the country and provides a special opportunity to take stock of where we have been and where we are going; and

Whereas, this conference encourages the proper, timely, and wise use of pesticides within an integrated crop management system; and

Whereas, this conference affects not only those who attend, but affects pesticide application in the whole State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 6 - 8, 1998, as ILLINOIS AGRICULTURAL PESTICIDES CONFERENCE DAYS.  
 Issued by the Governor December 31, 1997.  
 Filed by the Secretary of State December 31, 1997.

97-702

**TOGO WEST, JR. DAY**

Whereas, the Minority Economic Resources Corporation (MERC) will host its 26th Annual Dr. Martin Luther King, Jr. Dinner on Saturday, January 10, 1998, at the Chicago Hilton and Towers Hotel; and

Whereas, the goals of the dinner are to honor the birthday of Dr. Martin Luther King, Jr., and individuals, organizations, and companies who best exemplify the principles by which Dr. King lived; and

Whereas, this year's recipient of the Dr. Martin Luther King, Jr. Leadership Award is the Honorable Togo West, Jr. for his numerous contributions made to the people of the United States; and

Whereas, this year's dinner marks the 69th birthday of Dr. Martin Luther King, Jr.--a Nobel Peace Prize winner, Civil Rights Leader, and champion of justice;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 10, 1998, as TOGO WEST, JR. DAY in Illinois and commend Mr. West on his dedicated service.

Issued by the Governor December 31, 1997.

Filed by the Secretary of State December 31, 1997.

97-703

**YOUTH ACTION MINISTRY DAY**

Whereas, the Youth Action Ministry of the Second Baptist Church of Evanston, Illinois, has been a leading force in the total growth and development of today's African-American youth in Chicago and the surrounding areas; and

Whereas, the Youth Action Ministry is an organization created to help the total development and growth of today's youth; and

Whereas, the Youth Action Ministry provides leadership opportunities, spiritual guidance and support, as well as role models for church youth and youth within the community; and

Whereas, the Youth Action Ministry's goal is to facilitate religious, social, and educational growth of the youth of Second Baptist Church and the Evanston community; and

Whereas, the Youth Action Ministry has conducted programs including drug seminars, HIV/AIDS seminars, job placement seminars, teen pregnancy seminars,



tutor programs, fund-raisers for the United Negro College Fund (UNCF), city-wide youth parties, self-motivation seminars for youth, and state-wide youth college tours;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 11, 1998, as YOUTH ACTION MINISTRY DAY in Illinois.

Issued by the Governor December 31, 1997.

Filed by the Secretary of State December 31, 1997.

Rules acted upon during the quarter of January 1 through March 31, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnalale@cegate.sos.state.il.us](mailto:jnalale@cegate.sos.state.il.us) (Internet address).

## PROPOSED

8-600-2  
11-314-4  
2-651-2  
8-755-4  
11-315-4  
11-1318-2  
11-1770-3  
11-603-4  
14-180-2  
14-130-3  
14-500-2  
17-590-4  
17-710-4  
14-510-4  
20-1570-1  
23-50-2  
20-504-2  
32-331-3  
32-610R-3  
35-183R-1  
35-190R-2  
35-195R-2  
35-218-2  
38-390R-1  
59-50-1  
62-240-4  
68-1220-4  
74-730-2  
74-750-2  
77-600-3  
83-416-4  
83-506-4  
83-650-1  
86-100-1  
86-130-4  
86-495-1  
86-516-1  
86-750-2  
86-3000-1  
89-101-1  
89-113-4  
89-120-1,2  
89-121-3  
89-140-1  
89-679-4  
92-1010-4

8-600-2  
11-314-4  
86-500-4  
86-501-4  
86-1910-1  
89-140-2  
89-148-2  
89-402-1  
89-407-3  
89-682-4  
92-1030-2  
92-1040-2  
92-1100R-4  
92-1100-4

## EMERGENCY

8-755-4  
11-1770-3  
20-1570-1  
23-650-2  
32-422-2  
38-110-2  
38-140-2  
38-160-2  
62-240-1  
68-1220-4  
83-416-4  
83-506-4  
86-516-1  
86-3000-1  
89-120-2  
89-121-3  
89-679-4

## PEREMPTORY

80-310-2

## ADOPTED

2-926-2  
80-1540-1  
83-772-1



PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

1977-1978	1979	1980	1981	1982	1983	1984	1985	1986	
1987	1988	1989	1990	1991	1992	1993	1994	1995	1996

[illegible]

	1984	1985	1986	1987	1988	1989
1. 1984	1.00	1.00	1.00	1.00	1.00	1.00
2. 1985	1.00	1.00	1.00	1.00	1.00	1.00
3. 1986	1.00	1.00	1.00	1.00	1.00	1.00
4. 1987	1.00	1.00	1.00	1.00	1.00	1.00
5. 1988	1.00	1.00	1.00	1.00	1.00	1.00
6. 1989	1.00	1.00	1.00	1.00	1.00	1.00

[illegible]

(ISSUE DATE)

NEW RENEWAL

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GEORGE H. RYAN  
SECRETARY OF STATE  
INDEX DEPARTMENT  
111 E. MONROE  
SPRINGFIELD, IL 62756



